

EXHIBIT 15

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK

4 JENNIFER CARPENTER,

Plaintiff,

5 Case No.

7:15-cv-00661-NSR

6 - against -

7 CITY OF MOUNT VERNON, MAYOR ERNEST DAVIS,
8 COMMISSIONER TERRENCE RAYNOR, CHIEF JAMES
9 M. DUMSER, DEPUTY COMMISSIONER RICHARD BURKE,
CAPTAIN MICHAEL GOLDMAN, LIEUTENANT
10 PAUL NAWROCKI, LIEUTENANT MARIO CURZIO,
and LIEUTENANT JOSEPH HUNCE, in their
official and individual capacities,

11 Defendants.

12 -----x
13 EXAMINATION BEFORE TRIAL of the
14 Plaintiff, JENNIFER CARPENTER, taken pursuant
15 to Notice, held at Mount Vernon City Hall,
16 1 Roosevelt Square North, Mount Vernon, New
17 York 10550, on March 27, 2017, commencing at
18 10:15 a.m., before Judy Rosenberg, a Shorthand
19 Reporter and Notary Public within and for the
20 State of New York.

21
22
23 SANDY SAUNDERS REPORTING
24 254 South Main Street, Suite 216
New City, New York 10956
25 (845) 634-7561

A P P E A R A N C E S:

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BY: PAUL J. SWEENEY, ESQ.

ALSO PRESENT:

Alec Francis
Police Officer/Investigator
Internal Affairs
City of Mount Vernon Police Department

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STIPULATIONS

IT IS HEREBY STIPULATED AND AGREED
by and between the attorneys for the respective
parties hereto that filing, sealing and
certification be and the same hereby are
waived.

IT IS FURTHER STIPULATED AND AGREED
that all objections, except as to the form of
the question, are reserved to the time of the
trial.

IT IS FURTHER STIPULATED AND AGREED
that the within examination may be signed and
sworn to before any Notary Public with the same
force and effect as though signed and sworn to
before this Court.

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J E N N I F E R C A R P E N T E R, having
been first duly sworn by a Notary Public within
and for the State of New York, was examined and
testified under oath as follows:

EXAMINATION BY MR. SWEENEY:

Q Please state your name for the
record.

A Jennifer Carpenter.

Q Please state your business address
for the record.

A 2 Roosevelt Square North, Mount
Vernon, New York 10550.

MR. SWEENEY: Mark these, please.

(Documents are marked Defendants'
Exhibits A through DDD for
identification, as of this date.)

Q Sergeant Carpenter, I am Paul
Sweeney from Coughlin & Gerhart. I represent
the City of Mount Vernon and the other
defendants in this lawsuit that you have
brought against the City of Mount Vernon and
the defendants.

I am going to ask you some

1 Carpenter
2 questions under oath today. If at any time you
3 don't understand my questions or want me to
4 rephrase it, ask it again, ask it a different
5 way, I will be happy to do that. I am going to
6 assume that if you answer the question the way
7 I asked it, that you understood. Is that a
8 fair assumption?

9 A Yes.

10 Q And just for the record, are you
11 taking any medications today that would prevent
12 you from testifying?

13 A No, I'm not.

14 Q Can you tell me a little bit about
15 your educational background?

16 A My educational background? I went
17 to all the, you know, local schools. I
18 graduated high school.

19 Q Which high school?

20 A Mount Vernon High School.

21 Q Okay.

22 A I went to Westchester Community
23 College. I got an associate's degree.

24 Q In what?

25 A In criminal justice. And I got --

1 Carpenter

2 I went to John Jay College of Criminal Justice,
3 and I got a bachelor's degree in criminal
4 justice.

5 Q What year did you graduate John
6 Jay?

7 A John Jay, I graduated in 2004.

8 Q How about high school, what year?

9 A High school, 1982.

10 Q And any education past John Jay?

11 A Just a lot of training, just the
12 law enforcement training associated with my
13 job.

14 Q In terms of training to be a
15 police officer, you went to the police academy?

16 A Yes, I did.

17 Q What year was that?

18 A 1994.

19 Q And that was at Westchester
20 County?

21 A Yes. It was actually -- I went to
22 the police academy twice. I started my career
23 as a housing officer.

24 Q Housing with New York City?

25 A Mount Vernon used to have a

1 Carpenter

2 housing.

3 Q Did you complete that first
4 academy?

5 A I did. The first academy was
6 peace officer status, so it's less training
7 than the traditional police officer status.

8 Q And what year was that?

9 A That was in 1992.

10 Q And there came a time where you
11 went to a second academy?

12 A I went back to the police academy.
13 Once I came over to the city of -- joined the
14 City of Mount Vernon Police Department in 1994,
15 then I went to the academy fulfilling their
16 requirements.

17 Q So you graduated from the second
18 police academy to be a police officer?

19 A Right.

20 Q In 1994?

21 A In 1994.

22 Q Any formalized training past the
23 police academy, like the F.B.I. academy or any
24 other training like that?

25 A I have gone to -- I have been

1 Carpenter

2 trained with the F.B.I. I've trained with
3 Homeland Security. I have trained with other
4 agencies.

5 Q Is that like long-distance
6 education, as opposed to did you go down to
7 Quantico, Virginia to join the FBI Academy?

8 A No, just different training
9 courses that I was able to take.

10 Q All your training courses that you
11 completed, evidence of that would be in your
12 personnel file?

13 A It should be, yeah.

14 Q Can you tell me a little bit about
15 your family status? You mentioned I think off
16 the record you have a daughter?

17 A Yes.

18 Q Can you tell me about your family?

19 A I have a husband, a daughter,
20 sisters.

21 Q Your husband, is he employed
22 outside of home?

23 A Yes, he is.

24 Q What does he do for a living?

25 A He's a police officer.

1 Carpenter

2 Q And for the record, what is his
3 name?

4 A Daniel.

5 Q Carpenter?

6 A Yes.

7 Q And he is employed by Mount
8 Vernon?

9 A No, he's not.

10 Q Who is he employed by?

11 A Yonkers.

12 Q Yonkers city?

13 A Yes.

14 Q And you have one daughter?

15 A Yes, I do.

16 Q And what is her name?

17 A [REDACTED].

18 Q And how old is [REDACTED]?

19 A She's 11.

20 Q Any other children of the
21 marriage --

22 A No.

23 Q -- other than [REDACTED]?

24 Can you tell me a little bit about
25 your employment with Mount Vernon police? You

1 Carpenter

2 graduated the second academy in 1994?

3 A Yes.

4 Q And then you started as a patrol
5 person?

6 A Right.

7 Q What were your initial duties at
8 that time?

9 A Patrol, yeah, just typical patrol
10 functions.

11 Q How long did you do patrol?

12 A I did that from 1994 to 1998.

13 Q And what happened in 1998?

14 A I was reassigned to the Detective
15 Division.

16 Q And what assignments did you have
17 at the Detective Division?

18 A I worked -- I was assigned at that
19 time to the Narcotics Unit.

20 Q And who was your immediate
21 superiors in Narcotics Unit?

22 A Mark Hackett, Sergeant Hackett.

23 Q Anyone else?

24 A Robert Kelly.

25 Q Was he --

1 Carpenter

2 A He was the captain.

3 Q So you worked for Sergeant
4 Hackett?

5 A Right.

6 Q And he in turn reported to Captain
7 Kelly?

8 A Right.

9 Q In your patrol years, do you
10 recall who your supervisors were then?

11 A Yes. Sergeant Gormley, at one
12 time Lieutenant Dumser and Lieutenant -- I -- I
13 believe it was Curzio. No, I think he was a
14 sergeant at the time.

15 Q And in the detective bureau, you
16 worked primarily in the Narcotics Unit?

17 A No, I worked in Narcotics Unit for
18 about a year, and then I was transferred to the
19 General Investigations Unit.

20 Q And did you have a different
21 supervisor in General Investigations?

22 A I worked under -- Robert Kelly was
23 the commanding officer, and John Roland was the
24 sergeant executive officer -- no, I'm sorry, it
25 was John Roland and Lieutenant Dumser was in

1 Carpenter

2 the Detective Division at the time.

3 Q So Narcotics, General
4 Investigation, any other assignments in the
5 Detective Division?

6 A I worked Major Case, homicide.

7 Q And who was your supervisor in
8 Major Case or homicide?

9 A We reported to John Roland,
10 Sergeant Roland. There was no separate major
11 case. We just reported to the same
12 supervisors.

13 Q Any other assignments in the
14 Detective Division?

15 A I went from major case to the
16 Youth Unit.

17 Q And any different supervisor in
18 the Youth Unit?

19 A In the Youth Unit it was -- at
20 that time they had changed the leadership in
21 the Detective Division. It was Captain
22 Fuccillo. There were so many changes during
23 that time.

24 I know Fuccillo was there, and I
25 believe that one time -- Captain Pizzuti, he

1 Carpenter
2 was there during the time when I was in the
3 major case, and then Captain Fuccillo came
4 upstairs.

5 Q Any other assignments in the
6 Detective Division other than the ones you
7 listed?

8 A I worked for the Intelligence
9 Center.

10 Q Any different supervisor for the
11 Intelligence Center?

12 A At that time, Robert Kelly was the
13 supervisor of the Intelligence Center; I worked
14 underneath him.

15 Q Any other assignments?

16 A Not -- that's it for the Detective
17 Division.

18 Q And what happened after the
19 Detective Division?

20 A I got promoted.

21 Q To sergeant?

22 A Yes, I did, I got promoted.

23 Q What year was that?

24 A That was December 2011.

25 Q And then what happened? Did you

1 Carpenter

2 have a different assignment in December of 2011
3 when you got promoted?

4 A Yes, I did.

5 Q Where did you go?

6 A I went into the squad to supervise
7 the officers in patrol. I went to the patrol
8 division.

9 Q And in December of 2011, do you
10 recall who your supervisor was then?

11 A December 2011, it was Lieutenant
12 Paul Nawrocki.

13 Q Did there come a time when you had
14 a different supervisor after Lieutenant
15 Nawrocki?

16 A After Lieutenant Nawrocki, it was
17 Lieutenant Curzio.

18 Q Any other supervisors after
19 Curzio?

20 A No.

21 Q For how long did you serve in
22 the patrol division that you started in
23 December of 2011?

24 A Till current.

25 Q Are you currently assigned to the

1 Carpenter

2 patrol division?

3 A Right.

4 Q Did you have a break where you did
5 some other duties other than patrol division
6 duties?

7 A Well, after I returned from the
8 injury, I was assigned to develop our 21st
9 Century Police Initiative.

10 Q In what unit or division did you
11 fall under for that assignment?

12 A Well, it really is -- it fell --
13 fell under the patrol division.

14 Q Did you have an immediate
15 supervisor in that particular assignment other
16 than Lieutenant Curzio or --

17 A No. 21st Century Policing
18 Initiative is a policing model. So although my
19 desk was in the patrol division, I was
20 initially reporting directly to the
21 commissioner at the time, who was Robert Kelly.

22 Q And what time frame was this?

23 A This was from January of 2016 till
24 March of 2016.

25 Q Was the police commissioner Robert

1 Carpenter

2 Kelly for that entire duration?

3 A Yes.

4 Q And then there came a time where
5 you left that assignment?

6 A No, when Robert Kelly was no
7 longer with us and Ronald Fatigate became
8 acting commissioner, there was no -- I
9 continued in the assignment, but as far as who
10 I reported to, it was not clear. So I just
11 continued to work, and I just pretty much kept
12 him abreast of what was needed.

13 Q When you say him, do you mean
14 Fatigate?

15 A Fatigate.

16 Q Did there come a time where the
17 21st Century Policing Initiative work that you
18 were doing ended and you were transferred to
19 other duties?

20 A No.

21 Q You still currently are still
22 doing that same assignment?

23 A Yes.

24 Q Currently, you said it was unclear
25 as to your reporting command. Who do you

1 Carpenter

2 report to now?

3 A I just -- the 21st Century
4 Policing Initiative is a policing model. And
5 as the coordinator of the 21st Century Policing
6 Initiative, my duties is to help coordinate
7 that policing model with every aspect of the
8 department.

9 So what I do is, the -- the goal
10 of the department is to develop -- the goal of
11 the 21st Century Policing Initiative is to
12 develop the Mount Vernon Police Department as a
13 community policing department.

14 And so what I do is, a lot of the
15 community engagement developing the
16 relationships is an important part, building
17 trust in the community and building a
18 collaborative team between the community,
19 including faith-based schools so that we can
20 produce public safety together.

21 So what I've been doing is working
22 to develop those initiatives and the
23 collaboration with the community so that we
24 can -- and that's 21st Century Policing
25 Initiative.

1 Carpenter

2 Q Other than criminal proceedings in
3 which you may have testified as an officer or
4 as a sergeant, have you testified in any other
5 proceedings, lawsuits, litigation, civil?

6 A Not that I remember.

7 Q Have you brought any other
8 lawsuits?

9 A No.

10 Q This is your first lawsuit you
11 have ever filed, is the one we are here for
12 today, right?

13 A Yes.

14 Q Other than in those claims that
15 you filed in this particular matter, which we
16 will get to, have you filed any other notices
17 of claim against Mount Vernon?

18 A No.

19 Q In your complaint, at Paragraph
20 19, you allege that you were not introduced at
21 roll call -- I think this is in the January
22 2012 time frame -- by Lieutenant Nawrocki?

23 A Right.

24 Q Do you recall that allegation?

25 A I do.

1 Carpenter

2 Q Can you tell me a little bit about
3 that circumstance?

4 A Well, we were in roll call, and it
5 was our first day. It was my first day in roll
6 call. I previously -- I was assigned to the
7 Intelligence Unit, Intelligence Center in White
8 Plains.

9 So this being my first roll call,
10 I wasn't familiar with the officers, and they
11 weren't familiar with me. And so Lieutenant
12 Nawrocki conducts roll call, and he never
13 introduced me.

14 Q You indicated Lieutenant Nawrocki
15 did the roll call. Is there any protocol about
16 who does the roll call between a sergeant and a
17 lieutenant?

18 A As far as who does the roll call?

19 Q Yes, who does it?

20 A No, I -- it -- the -- the
21 lieutenant is the commanding officer, so he
22 pretty much decides who does the roll call.

23 Q So a lieutenant can do his own
24 roll call?

25 A Yes.

1 Carpenter

2 Q Or the lieutenant can delegate to
3 the sergeant?

4 A Yes.

5 MR. SWEENEY: Just wait until he
6 finishes the question and then answer.

7 THE WITNESS: Okay.

8 Q Did you make a complaint to anyone
9 that you were not introduced at the roll call
10 at that time?

11 A I did.

12 Q Who did you complain to?

13 A I complained to him.

14 Q When did you complain to him at
15 that time?

16 A At that time.

17 Q Did you do that orally or in
18 writing?

19 A Orally.

20 Q And what did you say, what did he
21 say back?

22 A I said -- he said -- I said, You
23 didn't introduce me. And so he said, Oh,
24 well -- prior to him saying -- prior to that,
25 he looks at me and says, Do you have anything

1 Carpenter
2 to add? So here I am standing there in
3 uniform, my first day as supervisor, and you
4 know, it's their first day seeing this person
5 that they haven't seen. And I said, Well, you
6 didn't introduce me. So he said, Oh, oh, oh,
7 okay. Well, this is Sergeant Carpenter. Like
8 that.

9 Q So he did introduce you at the
10 roll call?

11 A Afterwards, yes.

12 Q But to the officers present?

13 A Yes.

14 Q Do you believe you suffered any
15 adverse personal action or consequences because
16 of the way he handled that?

17 A Absolutely. Our rules and
18 regulations state that every member should know
19 who their superior officer is. And by doing
20 that, you deny them the opportunity, first of
21 all, to know who their superior officer is and
22 who they should be reporting to.

23 Q But as I understand your
24 testimony, he did introduce you after you
25 pointed out that you were not introduced?

1 Carpenter

2 A After I pointed out that I was not
3 introduced, correct.

4 Q So the officers that were present
5 for that roll call, when they went away from
6 roll call, they knew who you were?

7 A They knew who I was, but it also
8 set a tone. This was my first time as an
9 African-American female supervising these
10 officers, and for the most part it was their
11 first time. Considering I was the first
12 African-American female in the history of the
13 Mount Vernon Police Department, it was these
14 officers' first time, everyone's first time of
15 being aware that there was an African-American
16 female supervising in the City of Mount Vernon
17 Police Department.

18 So that was an adjustment that, a
19 culture change that had taken place at that
20 time, and he impacted how that change took
21 place by not introducing me.

22 Q As I understand though your
23 testimony, he did introduce you, is that right?

24 A He did.

25 Q Did there come a time, Sergeant

1 Carpenter

2 Carpenter, where you tried to discipline
3 several female police officers in the Mount
4 Vernon Police Department?

5 A Yes.

6 Q I am going to hand you what's
7 marked as Defendants' Exhibit A, which is Bates
8 stamped numbers 151 through 154, and it is
9 dated on the top November 10, 2011.

10 (Mr. Sweeney hands document
11 to witness.)

12 Q Do you recognize Defendants'
13 Exhibit A, Sergeant Carpenter?

14 A Yes, I do.

15 Q What is it?

16 A This is a complaint I filed with
17 Internal Affairs on November 10, 2011.

18 Q And where were you working at that
19 time?

20 A At that time, I was working in the
21 Detective Division.

22 Q And is that a complaint against a
23 particular officer?

24 A Yes, it is.

25 Q What officer is that?

1 Carpenter

2 A This was Officer [REDACTED].

3 Q And what was the purpose of you
4 referring her for discipline?

5 A Because she lied. She claimed
6 that I -- during my duties as a PVA board
7 trustee, that I misappropriated funds. And
8 that was an out and out lie, and that was very,
9 you know -- and it was a lie.

10 Q Who did she make this report that
11 you had misappropriated funds to?

12 A To the Internal Affairs, to
13 Internal Affairs.

14 Q And how did you hear about it?

15 A How did I hear about it?

16 Q Yes.

17 A She said it.

18 Q To you?

19 A She said it in a meeting.

20 Q When you say a meeting, a PBA
21 meeting?

22 A Yes.

23 Q Okay.

24 A And she went and just repeatedly
25 kept telling me.

1 Carpenter

2 Q And based on her report of what
3 she thought was misconduct, you referred her
4 for discipline?

5 A Yes.

6 Q Do you know what, if anything,
7 came of the outcome of your referral for
8 discipline?

9 A Nothing.

10 Q How do you know that?

11 A I was not -- I was not advised of
12 that anything ever came of it.

13 Q Okay. I will take that back.

14 (Witness hands document
15 to Mr. Sweeney.)

16 Q I am going to show you what's
17 marked as Defendants' Exhibit B and ask that
18 you look at that.

19 (Mr. Sweeney hands document
20 to witness.)

21 Q That's -- I can't read the Bates
22 stamp.

23 A Okay. So this is --

24 MR. SMITH: Just show him the
25 document.

1 Carpenter

2 THE WITNESS: Yes, okay.

3 (Witness hands document

4 to Mr. Sweeney.)

5 Q The Bates stamp is 813 through
6 814.

7 A Yes.

8 Q What is B?

9 A This is a supervisory report that
10 I wrote against Officer [REDACTED].

11 Q What is the purpose of that
12 referral for discipline?

13 A Lieutenant Nawrocki, the
14 commanding officer of the squad at the time,
15 asked -- advised me to write her up because
16 she -- because he noticed that her stats
17 were -- that she was not writing tickets on
18 her -- during her midnight tours.

19 Q Did he say anything else other
20 than that reason?

21 A Well, Officer [REDACTED] was brought
22 in and interviewed regarding her lack of
23 productivity in midnights. Officer [REDACTED] did
24 not dispute the findings and further stated her
25 reason for not writing traffic summonses on the

1 Carpenter

2 midnight tours was because she felt unsafe.

3 Lieutenant Nawrocki and the
4 undersigned counseled Officer P.O. [REDACTED]
5 regarding tactics that should be employed when
6 enforcing such violations. However, after
7 approximately 20 minutes, P.O. [REDACTED] continued
8 to maintain that she did not feel safe.

9 P.O. [REDACTED] was advised that she
10 must perform her duties, after which she then
11 stated maybe after it gets light out on a
12 midnight tour, she would attempt to enforce the
13 Vehicle and Traffic Law. P.O. [REDACTED] was asked
14 to complete an MV-5, at which time she restated
15 that she felt unsafe.

16 Q I think that covers just asking
17 you why she was being written up?

18 A Yes.

19 Q And you read from the document,
20 correct?

21 A Yeah, Lieutenant Nawrocki wanted
22 her written up for that.

23 Q I am going to show you what is
24 marked as Defendants' Exhibit C, which is Bates
25 stamped 733 and 734?

1 Carpenter

2 A Yeah.

3 Q And I am going to ask you, what is
4 that?

5 A An inspection of squad stats --
6 why would this be --

7 Q That's my question to you,
8 Sergeant Carpenter, is why there is two
9 different versions of that same write-up.

10 A It just looks like -- I guess it
11 just -- it's the same thing.

12 Q That was produced I think from
13 you, so I am just asking why there are two
14 different versions of the same thing.

15 A Two different versions? They're
16 actually identical.

17 Q Well, actually, the words
18 contained on the first page are different than
19 the words contained on the second page.

20 MR. SMITH: Object to form.

21 Q I think it speaks for itself, but
22 they are not identical.

23 A Whatever.

24 MR. SMITH: Can you repeat the
25 question?

1 Carpenter

2 (The record is read back by the
3 reporter.)

4 A I don't know. I noticed that one
5 write-up simply states specifically what the
6 stats were by number and the other one doesn't.
7 However, with regard to Officer [REDACTED], the
8 stats, it doesn't change so --

9 Q I am going to show you what's been
10 marked as Exhibit D, which is Bates stamped
11 Pages 11 and 12, which is a two-page document,
12 looks like a memo to the mayor.

13 (Mr. Sweeney hands document
14 to witness.)

15 A Yes.

16 MR. SWEENEY: Off the record.

17 (Discussion held off the record.)

18 Q What is that exhibit?

19 A Yes, this is in response to a -- I
20 was told by Lieutenant Nawrocki that an officer
21 had filed a complaint against me in Internal
22 Affairs and his job was to speak to me.

23 And I hadn't seen the complaint, I
24 didn't know anything about it, and I was
25 concerned that I did not have an opportunity to

1 Carpenter

2 even respond fairly as a supervisor because I
3 didn't even know anything about it.

4 Q What officer filed a complaint
5 against you in Internal Affairs?

6 A Officer [REDACTED].

7 Q So Officer [REDACTED] filed a complaint
8 against you in Internal Affairs, and why are
9 you writing to the mayor?

10 A Because I had requested -- I had
11 spoken to Commissioner Bell, and he advised me
12 that he was going to move her from the squad.
13 I explained to him that -- yeah, simply that I
14 did not have the opportunity to respond. And I
15 was just simply being told that he was supposed
16 to speak to me to reprimand me with regard to
17 something I knew nothing about.

18 Q Who was going to reprimand you?

19 A Lieutenant Nawrocki.

20 Q So based on your understanding
21 that you were going to be reprimanded by
22 Lieutenant Nawrocki, you wrote to the mayor
23 over that?

24 A Yes.

25 Q And during the November 2012 time

1 Carpenter

2 frame, what was your chain of command?

3 A At that time it was Nawrocki and
4 captain -- the chain of command would be the --
5 the next -- the -- after Nawrocki then 'cause
6 he was a lieutenant, then a captain. Captain
7 Hastings I think would be that person.

8 Q And then a chief officer above
9 that?

10 A Right.

11 Q And who was the chief officer at
12 that time?

13 A At that time, it may have been
14 Chief Roland in 2012.

15 Q And then the police commissioner?

16 A Yes.

17 Q And then the mayor?

18 A Yes.

19 Q All right, thank you.

20 (Witness hands document
21 to Mr. Sweeney.)

22 A But the mayor had already made it
23 clear to many of us that if we didn't -- if
24 there was something that wasn't being handled,
25 that he wanted us to notify him. So he always

1 Carpenter

2 had an open-door policy.

3 Q Did the mayor tell you that?

4 A Yes, he did.

5 Q When did he tell you that?

6 A I've known the mayor for many
7 years, and he's always said that.

8 Q Prior to November 29, 2012, when
9 was the last time the mayor -- and I am talking
10 about Mayor Ernest Davis --

11 A Right.

12 Q -- told you that? When was the
13 last time he told you that before you went to
14 him on this matter on Exhibit D?

15 A He could have told me any number
16 of times. I would always confer with the
17 mayor. He always looked to me for gang
18 information or things that were going on in the
19 city. And through the course of conversations,
20 I've always had conversations with him.

21 Q I am going to show you what's been
22 marked as Defendants' Exhibit E, which is Bates
23 stamped Page 17.

24 (Mr. Sweeney hands document
25 to witness.)

1 Carpenter

2 A Yes.

3 Q What is that?

4 A This is a January 25th -- this is
5 another follow-up letter to Sergeant Scott in
6 Internal Affairs regarding the previous
7 complaints I had filed and I had gotten no
8 response.

9 But also the same day that I sent
10 this follow-up, I was summoned to Captain
11 Hastings's office in order to provide a written
12 explanation answering an accusation that I
13 accessed the personnel files of Commissioner
14 Bell and Police Officer [REDACTED] which was not
15 true. There's no way for me to access
16 personnel files.

17 And so once again as a supervisor,
18 I was denied due process for any complaints
19 that I filed. But I was being accused of
20 something once again that I incorrectly -- and
21 this I was being accused after I followed up
22 once again on complaints that as a supervisor I
23 wrote and got no response on.

24 Q Who did you make --

25 A It was the same -- excuse me,

1 Carpenter

2 that's the patrol division. Okay, I'm sorry.

3 Q Who are the officers whose
4 complaints are referenced in that exhibit?

5 A This was [REDACTED]

6 Q And Officer [REDACTED] or just [REDACTED]

7 [REDACTED]

8 A Just [REDACTED].

9 Q I am going to show you what is
10 marked as Exhibits F and G. F is Bates stamped
11 155 through 158 and G is 159 through 161.

12 (Mr. Sweeney hands document
13 to witness.)

14 A Okay. So these are complaints
15 that I filed with Internal Affairs, one
16 regarding malicious gossip, one of them
17 regarding police officer [REDACTED], and the
18 other one regarding Police Officer [REDACTED]
19 [REDACTED].

20 Q Is the complaint against [REDACTED]
21 [REDACTED] different than the complaint that you
22 referred to before, or is it the same
23 complaint?

24 A It's the same complaint that she
25 stated that I misappropriated funds during my

1 Carpenter

2 time on the PBA board, which she accused me of
3 hiring an accountant, which was impossible for
4 me to do because I had no control. I didn't
5 have any control of monies or anything, so
6 there's no way I can misappropriate funds.

7 But this is the type of slander
8 that she persisted with, and this is what I was
9 trying to report and have her disciplined for.

10 Q And what was Officer [REDACTED] being
11 written up for?

12 A Okay. The complaint to Internal
13 Affairs regarding Officer [REDACTED] was
14 also about malicious gossip. Lieutenant
15 Nawrocki had informed me that she had filed a
16 complaint with Internal Affairs stating --
17 making allegations that I was trying to get her
18 fired and that I conducted a roll call training
19 that was directed at her and I am sharing
20 information with a civilian relative, and that
21 information is getting back to her mother.

22 And as it turns out the civilian
23 relative that she referenced, later found out
24 that she, in fact, shared her own information
25 with that civilian, which got back to her and

1 Carpenter

2 her mother, and I had nothing to do with it.

3 Q I am going to show you what's
4 marked as Defendants' Exhibit I, which is Bates
5 stamped 118, 119.

6 (Mr. Sweeney hands document
7 to witness.)

8 A Okay. Okay. This is a
9 supervisor's write-up that I submitted against
10 Police Officer [REDACTED].

11 MR. SMITH: Just off the record.

12 (Discussion held off the record.)

13 MR. SWEENEY: We are looking at
14 Defendants' Exhibit I, I think, which is
15 811 and 812, Bates stamped.

16 A On October 23rd, I was standing in
17 the dispatch room where Officer [REDACTED] was
18 assigned dispatching radio calls. On this
19 particular date, she dispatched a call as a
20 possible 10-12. A 10-12 is a dispute.

21 I asked her what is a possible
22 10-12. Officer [REDACTED] advised me that it was
23 actually a call that came over 911, and a woman
24 was screaming for the police.

25 I ordered Officer [REDACTED] to tell

1 Carpenter

2 the officers, the responding officers, exactly
3 what the woman said. This was not the first
4 time I had to tell Officer [REDACTED] the
5 importance of making sure the officers had all
6 the pertinent details of a call to aid them as
7 they responded to the calls.

8 On -- later on October 17th, at
9 approximately 11:20, several calls came into
10 the police department regarding a shooting in
11 the area of Prospect Avenue.

12 As a desk officer, I entered the
13 radio room. I observed Officer [REDACTED] picking
14 up the phone stating we already know and
15 hanging up without attempting to solicit any
16 details from the callers.

17 I had asked her, Officer [REDACTED],
18 to question the callers further to determine if
19 they were possible witnesses or had information
20 pertinent to the investigation and if so to
21 inform the responding officers.

22 Officer [REDACTED] appeared to be
23 overwhelmed, unable to perform the necessary
24 task in spite of the inherent danger the
25 responding officers were facing, as well as

1 Carpenter

2 members of the public.

3 On October 24th, during roll call,
4 the undersigned attempted to explain the
5 importance of conveying all pertinent
6 information when officers are assigned to the
7 radio room dispatching calls.

8 I asked Officer [REDACTED] what was a
9 possible 10-12. She began her response, like I
10 told you. I asked her to stop. She attempted
11 to continue. I said to her, I'm not asking you
12 any questions. I just need you to listen.

13 Squad three, which is the squad
14 that we were assigned to at the time, did not
15 have civilian dispatchers, so routinely police
16 officers are put into the radio room to
17 dispatch the calls.

18 And so as a result, I felt it was
19 necessary to address the entire squad and
20 remind them not only why having enough
21 information is critical to how we respond to
22 calls but also to remind them of the fact that
23 the tape calls are one of the first things
24 subpoenaed when a case goes to trial. All of
25 this was part of training.

1 Carpenter

2 And she attempted -- Officer

3 [REDACTED] attempted to interrupt me during this
4 training process as I addressed the squad, as
5 she refused to comply with my repeated orders
6 for her to stop. Her behavior was
7 disrespectful and insubordinate.

8 Q Okay. Thank you.

9 I am going to show you Exhibit J,
10 which is Bates stamped 805 through 810.

11 (Mr. Sweeney hands document
12 to witness.)

13 A And what?

14 Q I am just asking you what is that.

15 A This is a complaint, supervisor's
16 report that I filed. Officer -- Probationary
17 Police Officer [REDACTED].

18 Q You don't have to read it, but why
19 was Officer [REDACTED] being written up?

20 A Officer [REDACTED] was being written
21 up because although she was a probationary
22 police officer, she was assigned to constant
23 watch. Constant watch is where an officer is
24 assigned to watch a prisoner who is determined
25 to be a danger to themselves or someone else.

1 Carpenter

2 And so in this particular case,
3 the prisoner was on extensive medication,
4 schizophrenic, had -- there was a lot of
5 different issues with this particular prisoner
6 that the prisoner was designated a suicide
7 risk.

8 And so when I came in that morning
9 to make sure that the officers in the jail were
10 ready for court, this is when I walked in and I
11 found her asleep in a separate office away from
12 her assigned post.

13 Q And that's why she was written up?

14 A She was written up, yes.

15 Q Do you know what discipline she
16 received, if any?

17 A She was able to negotiate terms of
18 with the department.

19 Q So she did receive some
20 discipline?

21 A She ultimately received -- it was
22 written that she ultimately received
23 discipline.

24 Q Did you ever have an occasion to
25 write up an officer or detective, Motika,

1 Carpenter

2 M-O-T-I-K-A, I think Day-Jones?

3 A Not that I remember.

4 MR. SMITH: Can we take a break
5 very briefly?

6 MR. SWEENEY: Sure.

7 (Whereupon, at this time, a brief
8 recess was taken.)

9 Q I am going to show you what is
10 Exhibit K. Looks like it is Bates stamped 169
11 through 171.

12 (Mr. Sweeney hands document
13 to witness.)

14 Q I ask you to take a look at that.

15 A Yeah.

16 Q Without reading it, what is that?
17 You can read it to yourself, but without
18 reading it into the record, what is that
19 document?

20 A This is a complaint against
21 Officer [REDACTED].

22 Q Okay.

23 A Regarding --

24 Q Why was Officer [REDACTED] being
25 written up in that document? And again, you

1 Carpenter

2 don't have to read the entire thing, just
3 summarize what it was for.

4 A Sleeping on duty while on constant
5 watch.

6 Q Is that different than the Exhibit
7 J write-up that you testified to before?

8 (Mr. Sweeney hands document
9 to witness.)

10 A This is -- looks like it was --
11 something else was taped to this. This is --
12 this is not -- I'm sorry.

13 Q I will see what you ripped off,
14 see if it makes a difference.

15 A Yeah, it's two different reports
16 that got mixed up probably.

17 (Witness hands document
18 to Mr. Sweeney.)

19 Q I am handing you back Exhibit J.

20 A Right.

21 Q I am handing you back Exhibit K
22 without the Page 171 which was attached, and
23 they appear to be different write-ups on
24 Officer [REDACTED], right?

25 (Mr. Sweeney hands document

1 Carpenter

2 to witness.)

3 A This looks like it wasn't finished
4 (indicating).

5 Q What do you mean, it wasn't
6 finished? Looking at Exhibit --

7 A Yeah, this looks like --

8 Q -- K, you are saying that was not
9 finished?

10 A Yeah, this looks like a rough
11 draft, and then this one is a completed one.

12 Q Looking at Exhibit J?

13 A Exhibit J, yes, this is more
14 complete. Yeah, this has -- yeah, this is
15 minus a lot of pages.

16 Q I am just producing to you what
17 was produced to us.

18 A Yeah.

19 MR. SMITH: Object to form.

20 MR. SWEENEY: Not really a
21 question but --

22 MR. SMITH: Right.

23 Q You mentioned before in response
24 to a prior question about accessing the
25 personnel files of Commissioner Bell and

1 Carpenter

2 Officer [REDACTED] Do you recall that?

3 A Yes.

4 Q I am handing you Exhibit L, which
5 is Bates stamped number 14.

6 (Mr. Sweeney hands document
7 to witness.)

8 A Right.

9 Q And what is that?

10 A This is a to/from, from it says
11 commanding officer, patrol division, which at
12 that time was Captain Hastings, assigned by
13 Captain Hastings, and informing me that a
14 routine audit of department computer system has
15 shown that I accessed personnel records for the
16 following: Commissioner Bell, Cheryl Jaros and
17 Commissioner Bell.

18 Q Okay, thanks.

19 (Witness hands document
20 to Mr. Sweeney.)

21 Q I am going to show you what is
22 marked as CCC at the bottom, I think it says
23 Bates stamped 934.

24 (Mr. Sweeney hands document
25 to witness.)

1 Carpenter

2 Q It is a one-page document.

3 A Yes, this is a copy, looks like,
4 of a personnel performance evaluation. It's my
5 name as the employee signed by Lieutenant
6 Curzio on May 1, 2013. With exception to one
7 item, my -- it shows that my -- that Lieutenant
8 Curzio rated me as highly effective in my
9 performance evaluation, giving me all fours,
10 with the exception to attendance punctuality,
11 he gave me a needs improvement.

12 Q And did you appeal that evaluation
13 in any respect?

14 A No, I didn't.

15 Q So you accepted the comments on
16 the attendance issues?

17 A I'm sorry?

18 Q You accepted --

19 A I'm sorry, yes, I did. And I
20 apologize, it wasn't -- I was looking at the
21 bottom. It was Lieutenant Nawrocki, not
22 Lieutenant Curzio. I just saw the top, I'm
23 sorry.

24 Q And did you appeal from the
25 comments on the needs improvement in attendance

1 Carpenter

2 markings?

3 A No.

4 Q I am going to hand you what is
5 marked as Exhibit M, which is Bates stamped 47
6 through 49, a three-page document, and ask that
7 you take a look at that.

8 (Mr. Sweeney hands document
9 to witness.)

10 A Okay.

11 Q Do you recognize it?

12 A Yes, I do.

13 Q What is that?

14 A It's a memo I sent to Lieutenant
15 Nawrocki dated May 24, 2013.

16 Q And again without reading it into
17 the record, what was the purpose for writing
18 that memo?

19 A I was requesting an opportunity to
20 sit down with him to evaluate what his
21 intentions are for the successful development
22 of the squad.

23 Q Specifically, [REDACTED] is
24 referenced in that memo?

25 A She is, she is referenced in this.

1 Carpenter

2 Q And you didn't like the assignment
3 she was receiving, is that correct?

4 A I felt that she needed to have an
5 opportunity to be developed better.

6 Q Is it fair to say you disagreed
7 with Lieutenant Nawrocki's development of
8 Officer [REDACTED]?

9 A I felt it was -- that we needed to
10 discuss it. I needed -- I didn't understand
11 his reasoning.

12 Q Did there come a time where you
13 were advised by Lieutenant Nawrocki to control
14 your emotions? Do you recall that allegation
15 in a complaint?

16 A I do.

17 Q Paragraph 22?

18 A I do.

19 Q Can you tell me about that?

20 A I was trying to -- it was at the
21 desk, and we were having a conversation. And
22 there was other subordinates there and he --

23 Q Who was present other than
24 yourself and Lieutenant Nawrocki?

25 A It was Officer Gene Woolsey

1 Carpenter

2 (phonetic), and I'm not sure, I think it was
3 Officer Patterson.

4 Q Okay. And what happened and who
5 said what?

6 A Well, he called me in off the
7 street. He asked me about an arrest that they
8 had done. I went in the back and to cell
9 block. These are senior officers, Officer
10 Patterson.

11 Got the information for him,
12 conveyed it, brought -- conveyed the
13 information. He wasn't satisfied. I asked
14 him, Do you want me to go get the officers and
15 just bring them up here?

16 And through the course of the
17 conversation, he said to me that I need to
18 control my emotions. And I felt it was very
19 sexist and inappropriate and especially in
20 front of a subordinate.

21 Q And did you complain to him orally
22 at that time about the comment?

23 A Yes, I did.

24 Q And what did you say and what did
25 he say back?

1 Carpenter

2 A I said exactly that, that it was
3 sexist and inappropriate.

4 Q And what was his response?

5 A I don't remember.

6 Q I am going to show you what was
7 marked as Defendants' Exhibit O, which is Bates
8 stamped 51 through 53, and ask you to take a
9 look at that.

10 (Mr. Sweeney hands document
11 to witness.)

12 A It's a memo I sent to Lieutenant
13 Nawrocki on October 24th. And once again, I
14 was laying out challenges that -- my concerns
15 about the officers and their professional
16 development and training. And I was requesting
17 for -- to arrange a conference with him and
18 myself and possibly a third party to discuss --
19 to coordinate efforts so that we can
20 effectively supervise the squad.

21 Q Is the incident that you referred
22 to where he told you to control your emotions,
23 Lieutenant Nawrocki, is that referenced in that
24 exhibit?

25 A Okay. Yes, this is the on the JC

1 Carpenter

2 52, the third paragraph, okay. On this day
3 following the roll call this -- I walked to the
4 desk and Lieutenant Nawrocki was talking to
5 Officer [REDACTED].

6 Q Is that [REDACTED]?

7 A [REDACTED]. I asked her -- I
8 had asked her earlier to give me an MV-5
9 regarding something that happened in roll call.

10 And when I attempted to order her
11 in front of him to give me an MV-5 regarding
12 her insubordination at roll call, I wrote to
13 him that you told her not to and to ignore my
14 order.

15 I also wrote that he found it
16 necessary to then tell me in front of another
17 subordinate, her, that I needed to control my
18 emotions. So that was the incident. Because
19 you are getting reports that I am tense and
20 yelling at officers.

21 Q So the other officer present was
22 [REDACTED]?

23 A It was [REDACTED], yeah, I was
24 mistaken.

25 Q Not the other officer that you

1 Carpenter

2 referenced?

3 A Yeah.

4 Q And that was the same officer that
5 you had written up before, [REDACTED]?

6 A Yes. Well -- well, this is 10/24.
7 The incident that I referenced in her write-up
8 was 10/23. So this could have been just simply
9 recounting, recapping.

10 Q Other than this submission or this
11 memo from you to Lieutenant Nawrocki, which is
12 Exhibit O dated October 24, 2013, did you make
13 any other complaints regarding the comment that
14 Lieutenant Nawrocki made to you about
15 controlling your emotions at that time?

16 A At that time, I don't recall.

17 Q There came a time where you
18 requested training, is that correct?

19 A Yes.

20 Q And in your complaint, as I
21 understand it, Paragraph 25, you indicate you
22 made a request on January 31, 2014 and then
23 another request on March 9, 2014, which is set
24 forth in Paragraph 32.

25 Are those the two training

1 Carpenter

2 requests that were denied that you refer to in
3 your complaint?

4 A I don't know. I mean, it's so
5 long ago.

6 Q I am going to show you what's been
7 marked as Defendants' Exhibit N, which is Bates
8 stamped Page 50.

9 (Mr. Sweeney hands document
10 to witness.)

11 A This is dated July of 2013.

12 Q Right. Do you recognize that
13 document?

14 A Yes.

15 Q What is that document?

16 A This is a request for training
17 that I made to Captain Hastings.

18 Q Was that request for training in
19 July of 2013 approved?

20 A Not that I'm aware of, no.

21 Q Did you make any complaints about
22 not getting training approved with respect to
23 that request?

24 A I submitted several trainings, and
25 I didn't always complain about everything. I

1 Carpenter

2 just would wait for the response. Sometimes I
3 got a response, and sometimes I didn't.

4 Q Was training approved at all for
5 you in the 2013-2014 time frame?

6 A I can't remember.

7 Q Any approved training would be set
8 forth in your personnel file, is that fair to
9 say?

10 A I don't know what they put in the
11 personnel file or always that they put it in
12 there so -- but I know this -- I didn't attend
13 this, no.

14 Q I am going to show you what's
15 marked as Defendants' Exhibit U, which is Bates
16 stamped pages 90 through 92.

17 (Mr. Sweeney hands document
18 to witness.)

19 A Now, this is a training request in
20 2014, January 2014.

21 Q Is that the training request
22 that's referenced in your complaint allegation,
23 Paragraph Number 25? It is, I believe you
24 allege you were denied training requested on or
25 about January 31, 2014?

1 Carpenter

2 A This looks -- yes, this looks like
3 it, yeah.

4 Q What was the training that you
5 were seeking to take?

6 A Search warrants, search warrant
7 training.

8 Q Did you receive search warrant
9 training at the police academy?

10 A No.

11 Q Did you receive search warrant
12 training after the police academy?

13 A Yes, I did.

14 Q When and where?

15 A When, as a detective.

16 Q Okay.

17 A I received search warrant
18 training.

19 Q And you were a detective during
20 what time frame?

21 A Well, I was from -- I was assigned
22 to Detective Division from 19 -- December of
23 1998 until December of 2011.

24 Q So sometime during that time
25 period --

1 Carpenter

2 A Right.

3 Q -- you received search warrant
4 training?

5 A Yes.

6 Q Are you alleging that your failure
7 to get this training impacted your career in
8 any way?

9 A Yes.

10 Q How so?

11 A Because as a supervisor and a
12 patrol and other officers, many times we are
13 asked to assist detective divisions, as well as
14 other agencies that come into the city with
15 search warrants.

16 And as the supervisor responsible
17 for making sure that the officers act
18 appropriately, it is -- it did impact my
19 ability to be able to know, you know, different
20 laws, whether laws changed and make sure that I
21 supervised them properly.

22 Q Were you able to discharge your
23 duties as a detective with the search warrant
24 training that you received there?

25 A I'm sorry?

1 Carpenter

2 Q Were you able to discharge your
3 duties as a detective with the search warrant
4 training that you received as a detective?

5 A Yes.

6 Q Were you ever written up,
7 counseled or disciplined for a search warrant
8 violation?

9 A Not that I remember, but laws
10 changed.

11 Q I am going to show you what's
12 marked as QQ and it is Page 252.

13 (Mr. Sweeney hands document
14 to witness.)

15 A I remember submitting this.

16 Q What is that document?

17 A This is a request for training.

18 Q What type of training did you
19 request?

20 A A 99 signs of danger is one of the
21 trainings, social media gang investigations,
22 cell phone investigations.

23 Q Is it fair to say that's offered
24 as a refresher class?

25 A As a refresher?

1 Carpenter

2 Q Yes.

3 A All training that you get is a
4 refresher, can serve as a refresher.

5 Q It is not required for promotion,
6 that training?

7 A No, we take a promotional exam for
8 promotion, and these questions are not on the
9 exam. However, to allow you to effectively
10 supervise officers in this day and age, we have
11 a diverse type of skills that we have to -- a
12 diverse type of incidents that we respond to,
13 so, you know, this type of training would have
14 helped.

15 Q Going back to Defendants' Exhibit
16 U, which is the search warrant training, was
17 that training required for promotion?

18 (Mr. Sweeney hands document
19 to witness.)

20 A No.

21 Q I am going to show you what's
22 marked as Defendants' Exhibit P and Q. P is
23 Page 54 and 55, Bates stamped, and Q is 56 and
24 57. And both appear to be two-page documents
25 addressed to Greg Addison.

1 Carpenter

2 (Mr. Sweeney hands document
3 to witness.)

4 A Right.

5 Q Are those documents the same,
6 Sergeant Carpenter?

7 A No, they're not.

8 Q Were they written at the same
9 time?

10 A I don't recall.

11 Q Why were they written?

12 A I was asking detective -- I mean,
13 PBA President Greg Addison to assist me with
14 setting up a meeting with Lieutenant Nawrocki.

15 Q Were either of those documents
16 ever sent to Greg Addison?

17 A Yes.

18 Q Which one was sent or both?

19 A I sent him so many documents, it
20 could have been both.

21 Q I am going to show you what is
22 marked as Defendants' Exhibit R and S. R is
23 Bates stamped 58 through 60. S is Bates
24 stamped 61 through 63. They both appear to be
25 three-page documents from you to Commissioner

1 Carpenter

2 Raynor.

3 (Mr. Sweeney hands document
4 to witness.)

5 A Okay.

6 Q What is R?

7 A R is dated December 6, 2013.

8 Q What is Exhibit R?

9 A It was notifying him of a
10 supervisor report that I made that I submitted
11 involving Probationary Police Officer [REDACTED]
12 [REDACTED] regarding an incident that occurred on
13 November 23, 2013.

14 Q That's the incident that you
15 described in another document?

16 A Yes.

17 Q You wrote up for sleeping on post?

18 A Right.

19 Q Okay. And then Exhibit S is what?

20 A Is dated December 9, 2013.

21 Q And what was the purpose of that
22 letter?

23 A This 2012 -- I mean, I mean,
24 December 9th is much more detailed. It appears
25 to be just --

1 Carpenter

2 Q Were either one of those sent to
3 Commissioner Bell or both?

4 A I -- I usually send them through
5 e-mail so that's easily -- and this was
6 actually to Commissioner Raynor, not Bell.

7 Q Right, so same question. Do you
8 recall Commissioner Raynor getting those
9 documents?

10 A Yes.

11 Q And you would have sent those by
12 e-mail?

13 A Yes.

14 Q And you would have used what
15 e-mail account?

16 A The police department.

17 Q As opposed to a personal account?

18 A Yeah.

19 Q And those don't appear to be
20 signed. You don't sign your letters?

21 A No, I just e-mail, and the e-mail
22 address usually indicates the -- has the
23 information on it.

24 Q And what was the purpose of
25 writing those letters to the police

1 Carpenter

2 commissioner?

3 A Because I had been trying to
4 discipline, train. And at this time, this is
5 when I wanted to inform him of -- that
6 Lieutenant Hunce, his actions was preventing me
7 from doing my job and that's why.

8 Q Was Lieutenant Hunce in your chain
9 of command?

10 A No, he came to me.

11 Q All right.

12 A He -- he came, he approached me
13 and asked me not to discipline Officer
14 [REDACTED].

15 Q And did you bring that request to
16 Lieutenant Nawrocki's attention?

17 A At that time it was Lieutenant
18 Curzio. He went to Lieutenant Curzio, asked
19 Lieutenant Curzio to have me not to write up.
20 And Lieutenant Curzio spoke to me, and I
21 said -- explained to him.

22 Lieutenant Curzio at the time
23 understood why that would not be appropriate,
24 not to discipline her. So he conveyed that
25 back to Lieutenant Hunce. Lieutenant Hunce

1 Carpenter
2 came in off duty to speak to me to confront me
3 about writing her up.

4 Q And who is the superior, if there
5 was any, between Lieutenant Curzio and the
6 police commissioner? Was there a captain or a
7 chief officer?

8 A In -- at that time it would have
9 been the captain in the patrol division,
10 captain.

11 Q And who was that at that time?

12 A At that time, I believe it was
13 Hastings.

14 Q Captain Hastings?

15 A Yes.

16 Q Did you bring that issue involving
17 Lieutenant Hunce's intercession on behalf of
18 another officer to Captain Hastings?

19 A No, I didn't.

20 Q Why not?

21 A Because I didn't feel comfortable.

22 Q Why not?

23 A Because of the repeated issues
24 that I was having, I just felt that I was -- go
25 straight to the commissioner and that he would

1 Carpenter

2 be the best person for me to speak to at the
3 time.

4 Q Is it fair to say based on your
5 response that you didn't give Captain Hastings
6 a chance to intervene in this matter?

7 A Based on my response, I went to
8 Commissioner Raynor.

9 Q There came a time, or at least in
10 your complaint in Paragraph 26, where you
11 allege that Chief Dumser would not allow you to
12 be present at police department headquarters
13 when you were working?

14 A Right.

15 Q Can you tell me about that
16 allegation?

17 A Yes. Routinely, I would be
18 sitting down doing research to -- for the
19 training, checking my e-mails, and he would
20 come in. And next thing I know, Lieutenant
21 Curzio, who was the commanding officer at the
22 time, would tell me Dumser doesn't want you in
23 the building.

24 Q Where did Chief Dumser want you to
25 be at?

1 Carpenter

2 A He wanted me out of the building.

3 Q And at that time, you were
4 assigned to patrol?

5 A Yes, I was.

6 Q And how would a patrol sergeant
7 patrol or manage her staff at that time? Can
8 you walk me through a typical day as a patrol
9 sergeant?

10 A A typical day is you have a number
11 of responsibilities, including training and
12 development. So supervision is just not the
13 only responsibility. It also includes making
14 sure that they are properly trained and that
15 they are developed to do the jobs that they are
16 expected to do.

17 Q And how would you do that?

18 A And I would do that by first of
19 all checking my e-mails, finding out what
20 happened the night, before making sure that
21 they -- we understood what we were -- what may
22 have happened the day before or out on our days
23 off that may impact our patrol objectives when
24 we go out today.

25 So I would do that at the top of

1 Carpenter

2 the morning. I would check for different read
3 reports and check for things that we may need
4 to go over in roll call. These are all part of
5 their development. This is all part of my
6 supervisory duties and responsibilities.

7 Q Did you receive a direction from
8 either Lieutenant Curzio or Chief Dumser that
9 you were not allowed to check your e-mails?

10 A No, I told Curzio I was checking
11 my e-mails. I told him I was working.

12 Q And what did he --

13 A And he said Dumser just doesn't
14 want you here.

15 Q What would you do when Lieutenant
16 Curzio would say that?

17 A I would leave.

18 Q Were you unable to check your
19 e-mails during the day?

20 A Yes, I was.

21 Q For how long?

22 A As long as when I walked through
23 the door, Dumser would appear or Curzio would
24 follow me about and tell me, You know, you
25 can't be here, you know, here he comes. And

1 Carpenter

2 he's whispering in my ear constantly telling me
3 to get out of the building.

4 Q What shift, what tour did you work
5 during this time frame? This would be February
6 of 2014.

7 A I don't know. There must have
8 been -- February of 2014? February of 2014, we
9 rotated.

10 Q What does that mean, you rotated?

11 A We worked evenings, nights and
12 days, day tours.

13 Q And did Chief Dumser work a
14 particular tour?

15 A He typically worked days.

16 Q So he didn't work any other tours?

17 A He could have, but for the most
18 part he would work days.

19 Q And you rotated so you worked some
20 days, some nights, is that correct?

21 A Right.

22 Q So on the nights that Chief Dumser
23 was not present, were you able to check your
24 e-mails?

25 A Yes.

1 Carpenter

2 Q If you rotated your tours, how
3 often would you be on days versus nights in a
4 week?

5 A In a week?

6 Q Yes.

7 A Every set of tours we changed, so
8 one every four days, two days off. We go from
9 one tour to the next.

10 Q So if I understand your response,
11 you might work four days in a row doing days?

12 A Right.

13 Q Have two days off and then work
14 nights?

15 A Evenings.

16 Q And then there is three shifts, is
17 there not?

18 A Right.

19 Q What is the day shift, what hours
20 is the day shift?

21 A Seven to 3.

22 Q And that's the shift that Chief
23 Dumser normally would be at?

24 A Right.

25 Q And the next shift is what?

1 Carpenter

2 A Three to 11.

3 Q And then the following tour?

4 A Would be 11 p.m. to 7 a.m.

5 Q And during your rotation, you
6 would have worked all three tours, correct?

7 A Yes.

8 Q So your day tours during this
9 rotating shift cycle would be one-third of the
10 days that you worked?

11 A Yes.

12 Q And that would be the time where
13 you may have had problems with Chief Dumser
14 having you in the building?

15 A Right.

16 Q Do you know if Chief Dumser did
17 that to any other sergeants that worked the day
18 tour?

19 A I just know that other sergeants
20 were not -- were -- were observed sitting
21 around chatting without the harassment of Chief
22 Dumser pursuing them to go outside.

23 Q What's the basis of your knowledge
24 for that?

25 A Just -- just to be able to observe

1 Carpenter

2 it if I came in on my days off or there were
3 other people, witnesses that can attest to
4 that.

5 Q What witnesses?

6 A Well, Ms. Ferguson, she was a
7 clerk. She worked in the complaint room. And
8 she could attest to that very easily. As a
9 matter of fact, she commented to Curzio about
10 it, about the disparate treatment that I was
11 being -- that was being imposed on me versus
12 other supervisors.

13 Q How did you know that Ms. Ferguson
14 told something to Lieutenant Curzio?

15 A Because that's -- she told me.

16 Q So Ms. Ferguson told you that she
17 told Lieutenant Curzio that?

18 A Right.

19 Q Did you mention or did you testify
20 that you observed other sergeants?

21 A Yes.

22 MR. SWEENEY: Wait until the
23 question is finished.

24 Q On how many occasions did you
25 witness that?

1 Carpenter

2 A Numerous occasions. I can't say
3 specifically.

4 Q And did this treatment by Chief
5 Dumser continue for some time?

6 A Yes, it did.

7 Q How long did it continue?

8 A It continued till -- up until I
9 was injured.

10 Q And when was that?

11 A That was in April of 2014.

12 Q So approximately two months,
13 February to April 2014?

14 A It -- about -- I would say before
15 then, before February, about that time.

16 Q Paragraph 26 of your complaint
17 says on February 4, 2014, Lieutenant Curzio
18 informed Jennifer, meaning you, that Chief
19 Dumser did not want her physically present at
20 MVPD headquarters. Jennifer, the only female
21 sergeant and the only person who opposed
22 discriminatory practices, was the only employee
23 that Dumser requested not to be physically
24 present at headquarters.

25 So your complaint says it began on

1 Carpenter

2 February 4, 2014.

3 A It doesn't say it began on
4 February 4th.

5 Q What other times did Lieutenant
6 Curzio tell you that Chief Dumser did not want
7 you physically present at headquarters?

8 A This went on for some time. But
9 that's -- that's the day, if I'm not mistaken,
10 that I was ill.

11 Q I don't understand. You were ill?

12 A May I see it? What you're
13 reading.

14 Q Sure. I am reading from the
15 complaint.

16 MR. SMITH: (Indicating).

17 A Exactly. This was ongoing. But
18 on February 4th is when we actually -- I
19 explained to him that I wasn't going to stand
20 it. But this had been --

21 Q When did it begin?

22 A It began in January, I believe.

23 Q All right. Let me break it down.
24 What began in January of 2014?

25 A His harassment of me and saying he

1 Carpenter

2 didn't want me in the building.

3 Q When you say he, is that Chief
4 Dumser?

5 A Chief Dumser.

6 Q Do you know what time frame in
7 January of 2014?

8 A It was after I had the
9 conversation with Mayor Davis.

10 Q When you complained in Paragraph
11 24, you indicate that that conversation
12 happened on January 17, 2014, is that correct?

13 A Okay.

14 Q So is it your testimony that Chief
15 Dumser's treatment of you regarding wanting you
16 out of the building began after that?

17 A Yes.

18 Q Did you make any complaints to
19 anyone before February 4th of 2014 about that
20 treatment?

21 A It was -- who am I complaining to?
22 Curzio was actually uncomfortable with it, and
23 so when he would -- he would alert me that,
24 Here comes Dumser. You know he doesn't want
25 you here.

1 Carpenter

2 And then it just escalated to the
3 point that on February 4th is when I just
4 verbally stated that this is a double standard,
5 and I wanted to go a little bit more -- my
6 frustration became escalated as a result of the
7 harassment.

8 Q Were there any witnesses to the
9 conversations with you and Lieutenant Curzio?

10 A It could have been. I don't know.

11 Q Are there any witnesses to Chief
12 Dumser's treatment of you regarding wanting you
13 out of the building?

14 A Well, Lieutenant Curzio.

15 Q Anyone else besides Lieutenant
16 Curzio?

17 A It was -- you know, it could have
18 been.

19 Q What could have been?

20 A It could have been other people
21 there. It was -- you know, it's not unusual
22 for people to witness something. No one wants
23 to get involved after they realize, especially
24 when somebody's being targeted for harassment.

25 Q Can you tell me about the

1 Carpenter

2 allegation in Paragraph 24 of the complaint
3 where you visit the mayor on January 17, 2014?

4 A I -- like I said, routinely the
5 mayor would have an open-door policy. He's had
6 it for years. But on this particular day, I
7 had gone to see Judith Williams, who was his
8 human resources commissioner.

9 And while I waited for her, she
10 was on the phone, and I looked out the window
11 and noticed that the mayor's vehicle was parked
12 outside. And I felt that since this was like
13 after hours, and my hope was that I could have
14 this matter addressed internally and that we
15 could move forward with, you know, getting work
16 done.

17 And so I said to her, What do you
18 think if I go speak to him? So she said, Well,
19 you know, he's there. Go and take a chance.
20 And so I did. I went downstairs. He agreed to
21 see me. And that's -- that's when I spoke to
22 him.

23 Q And what did you say and what did
24 he say back?

25 A Explained to him that there was a

1 Carpenter

2 lot of different issues going on in the police
3 department, a lot of them had to do with
4 discrimination.

5 Q When you say discrimination, were
6 you specific as to what type of discrimination?

7 A Absolutely. I explained to him
8 how I was being targeted, how other officers,
9 minority officers were not being trained and
10 developed appropriately, specifically a lot of
11 the women. My complaints are being ignored,
12 that there are other male African-American
13 officers who are being targeted.

14 And I, you know -- he's always
15 made statements in terms of, you know,
16 developing the police department. And I
17 explained to him that there's no leaders being
18 developed, that the women are being encouraged
19 to -- you know, not to live up to their full
20 potential and that they're not taken seriously.

21 And I said to him, I already
22 was -- I did tell him that I was coming from
23 upstairs. And he said to me, You don't want to
24 do that. So I said -- and then he just
25 switches the conversation into -- he starts

1 Carpenter
2 talking about there's so much fucking going on
3 around here. Are you fucking Raynor? And I
4 was shocked. I was shocked, and I was scared.
5 Because at that point I realized that I made a
6 big mistake and that this is not going the way
7 I expected.

8 And I even texted Ms. Williams.
9 She said, How is everything going? I said, Not
10 well. And that -- and that's pretty much how
11 it deteriorated.

12 Q So if I understand your response,
13 you were over at City Hall to see Judy Williams
14 about your concerns regarding lack of
15 professional development at the police
16 department?

17 A The discrimination.

18 Q And discrimination?

19 A Harassment, retaliation.

20 Q Right. You mentioned it involved
21 several officers. Did you tell Judy Williams
22 at that time which officers were the victims?

23 A Yes.

24 Q And what officers did you tell
25 her?

1 Carpenter

2 A I told her Officer Jean-Jerome, I
3 told her Officer Patterson. I explained to her
4 about the women, that, you know, they're not
5 being trained, and they're not allowing me to
6 train them.

7 Q What women did you say were not
8 being trained?

9 A [REDACTED], [REDACTED].

10 Q The two officers that you wrote up
11 for discipline?

12 A Right. Training -- discipline is
13 part of training or vice versa. And what else
14 did you want to know?

15 Q I was just asking what female
16 officers you mentioned were not receiving
17 training.

18 A I just explained in general that
19 the females were not being developed properly,
20 and that they were not held to the same
21 standard as the men.

22 Q In what respect were they not held
23 to the same standard?

24 A Because something as simple as,
25 you know, understanding that you don't, you

1 Carpenter

2 know -- you have to be held accountable, you
3 can't go and have a suicide watch and be
4 sleeping.

5 Q Did you record the conversation
6 with the mayor?

7 A Did I record it?

8 Q Yes.

9 A No.

10 Q Have you recorded conversations
11 with other city employees?

12 A I have -- have I recorded -- no.

13 Q So just to be clear, with respect
14 to the allegations made in the complaint, you
15 have not recorded a witness to any of the
16 allegations?

17 A I have not. I don't believe I
18 have.

19 Q Is there anything you can check to
20 verify whether or not you recorded a witness in
21 this matter?

22 A Yes, I could check.

23 Q What would you be checking?

24 A Well, actually, I'd have a
25 different -- I have a different phone, so I

1 Carpenter

2 can't really -- I don't remember recording
3 anybody.

4 Q Outside of this lawsuit, have you
5 recorded anyone at work, any of your
6 co-employees on your phone or otherwise?

7 A Outside of this lawsuit?

8 Q Yes.

9 A I tried to.

10 Q What types of conversations would
11 you try to record?

12 A It wasn't conversations, it was
13 just in general. I used to -- I felt
14 uncomfortable that I was being
15 mischaracterized, and so I bought a body camera
16 but it didn't work.

17 Q When did you try to bring a body
18 camera that didn't work?

19 A This was during -- in 2014.

20 Q What incident or what person or
21 what were you trying to record?

22 A Well, when I filed the -- the
23 supervisor report against Officer [REDACTED] and
24 she made several allegations that I harassed
25 her, and I knew I didn't, and so I felt very

1 Carpenter

2 uncomfortable that my actions were -- that I
3 needed to protect myself.

4 Q Other than the Officer [REDACTED]
5 situation, did you attempt to record anyone
6 else at work?

7 A I don't -- I -- I would wear it
8 frequently, but mostly it was not on.

9 Q When you say you would wear it,
10 you would wear it --

11 A Yeah.

12 Q -- on your uniform?

13 A Anybody could see it. It was
14 mostly to protect me.

15 Q I am going to hand you what's
16 marked as Defendants' Exhibit T, which is Bates
17 stamped 64 through 85.

18 (Mr. Sweeney hands document
19 to witness.)

20 A Okay.

21 Q What is that document?

22 A These are text messages between
23 myself and Judy Williams.

24 Q Is there anything significant on
25 those text messages that's relevant to your

1 Carpenter

2 lawsuit?

3 A Well, here at --

4 Q Indicating the first page?

5 A Indicating the first page, she
6 confirms my conversation with her where she
7 says that, I find it troubling that you felt
8 worse after meeting with him. She says, I've
9 got to speak to him.

10 Q The him is referring to Mayor
11 Davis?

12 A Right. She was requesting that I
13 come to her office. I wasn't feeling well. I
14 had right -- I had just become physically
15 unable to come to the office. My back, my
16 legs, I was just really, really physically
17 drained, impacted by all the stress.

18 Q Is there anything else that is
19 significant in those text messages that's
20 relevant to your lawsuit?

21 A Well, it looks like something's
22 missing, because on Page 2, I remember I'm
23 having trouble with my Internet. Because she
24 kept hounding me to write out what happened,
25 write out the charge. And I was texting her

1 Carpenter

2 back and forth, letting her know I'm trying,
3 I'm working on it, but I just wasn't feeling
4 good at the same time so --

5 Q So you think there are more text
6 messages that are not present there?

7 A Just doesn't -- I'm having trouble
8 with my Internet, I will get this to you soon.
9 My legs and back have been aching, I wasn't
10 feeling good. I came down with shingles, strep
11 throat. She replies, That's stress.

12 Okay. She wanted me to please
13 write up the charge. It can be brief. 'Cause
14 I told him the persons doing the investigation
15 are being implicated. She says, Okay. I said,
16 How soon do you need this?

17 My doctor called apparently after
18 consulting with another doctor. She thinks due
19 to the high -- how high my blood pressure is, I
20 needed to get to the E.R. to get a CT scan.

21 I'm literally on prayers until the
22 snow stops, snowstorm. I've been trying my
23 best just to stay calm and not to think about
24 things.

25 Q Those texts are done over

1 Carpenter

2 different days, right? They are not all on
3 January 17th?

4 A No, these are all following
5 January 17th.

6 Q And as I understand it, those text
7 messages continue to June of 2014, the text
8 messages that you are looking at?

9 A Yes.

10 Q So you felt comfortable enough to
11 be able to text Judy Williams?

12 A That's all I could do. I was so
13 sick.

14 Q Well, between January and June of
15 2014, were you sick the entire time?

16 A Well, that indicates exactly when
17 I was sick. I mean, the best I could do was,
18 you know, she was -- she's a human resource
19 commissioner. She insisted that I write what I
20 could and get it to her so she could conduct a
21 confidential investigation. And I was trying
22 my best to get to her what I could under the
23 circumstances.

24 Q But if you needed to communicate
25 with Judy Williams, you felt comfortable

1 Carpenter

2 texting her?

3 A Yeah.

4 Q I am going to show you what's
5 marked as Defendants' Exhibit V, as in Victor,
6 which is pages 95 through 105.

7 (Mr. Sweeney hands document
8 to witness.)

9 Q And Defendants' Exhibit KK, which
10 is 184 through 187.

11 (Mr. Sweeney hands document
12 to witness.)

13 A Oh.

14 Q Do you recognize --

15 A Both of these are in response to
16 her request that I write down what I was going
17 through. And one of them is dated February --
18 let's see, what is this, a V (indicating)?

19 Q V as in Victor.

20 A V is dated February 7, 2014. And
21 so it's just as best as I could give her a
22 chronological account of my experiences with
23 regard to discrimination and hostile work
24 environment.

25 Q Did you hand deliver Exhibit V or

1 Carpenter

2 did you e-mail that?

3 A I believe I e-mailed this. I
4 didn't give this. Yeah, I would have -- I
5 believe I would have e-mailed this to her.

6 Q So you have a recollection with
7 respect to Defendants' Exhibit V, as in Victor,
8 and Defendants' Exhibit KK, kilo kilo, that you
9 e-mailed both of those to her?

10 A I believe so.

11 Q Did you provide a copy of those
12 submissions to anyone else at Mount Vernon
13 other than Judy Williams?

14 A I don't believe so.

15 Q Did you make anyone in that police
16 department aware that you provided those
17 submissions to Judy Williams?

18 A I may have told the PBA but I'm
19 not -- I don't -- I don't recall.

20 Q Who at the PBA would you have
21 told?

22 A I would have told Officer
23 Jean-Jerome or -- I don't know at this time,
24 February, I believe Addison was the president
25 of the PBA at the time.

1 Carpenter

2 Q Other than PBA colleagues --

3 A Right.

4 Q -- you didn't provide a copy of
5 that to anyone in your chain of command, is
6 that fair to say?

7 A No, this was for her. She asked
8 for this.

9 Q I will take those back.

10 (Witness hands document
11 to Mr. Sweeney.)

12 Q One of the allegations in your
13 complaint at Paragraph 31 is that you were not
14 allowed to conduct roll call between March 1st
15 of 2014 and April 5th of 2014, is that right?

16 A Right.

17 Q Could you describe that allegation
18 of your complaint?

19 A Well, I believe that's -- when I
20 returned back from being ill, that's when
21 Lieutenant Godshall was in -- had been
22 reassigned to our squad, and I was no longer
23 allowed to do roll calls.

24 Q What did Lieutenant Godshall's
25 transfer to your squad have to do with you not

1 Carpenter

2 getting roll calls?

3 A I don't know exactly, other than
4 the fact that I was not allowed to do roll
5 calls.

6 Q Who did the roll calls?

7 A He did.

8 Q And in response to an earlier
9 question, you said it is the lieutenant's
10 prerogative as to who does the roll call, is
11 that right?

12 A Yeah, it's -- the lieutenant is
13 the commanding officer, so that would have been
14 Lieutenant Curzio.

15 Q And what was Lieutenant Godshall's
16 position within that unit?

17 A He's another lieutenant.

18 Q So you had two lieutenants --

19 A Yeah.

20 Q -- on the same tour?

21 Did you complain that you were not
22 allowed to do the roll call to anyone?

23 A I did.

24 Q Who did you complain to?

25 A Lieutenant Curzio.

1 Carpenter

2 Q Did you do it orally or in
3 writing?

4 A I did it in writing.

5 Q Do you recall when you would have
6 done that in writing?

7 A I did it around March.

8 Q And how would you have done that,
9 in an e-mail or a letter, a memo?

10 A In an e-mail.

11 Q Do you recall what you said?

12 A I don't remember specifically, but
13 I do know that I sent him an e-mail.

14 Q I am going to show you what's
15 marked as Defendants' Exhibit W, whiskey, which
16 is Bates stamped 109.

17 (Mr. Sweeney hands document
18 to witness.)

19 A Yeah.

20 Q Do you recognize Defendants'
21 Exhibit W?

22 A Yes.

23 Q What is it?

24 A This is an e-mail I sent to
25 Lieutenant Curzio.

1 Carpenter

2 Q Is it an e-mail or is that a
3 letter that you signed?

4 A This is -- this is a letter. It
5 looks like a letter I signed.

6 Q So it is not an e-mail?

7 A This looks like this is a letter I
8 signed.

9 Q What was the purpose of writing
10 that letter?

11 A I wanted to have a conversation
12 with him. I was requesting a conversation
13 where we could discuss the changes that he made
14 and how we moved forward with developing
15 whatever his suggestion with developing the
16 officers.

17 Q Did you make a complaint in that
18 exhibit about not being permitted to do roll
19 call?

20 A Yes.

21 Q Where did you make that complaint?

22 A These actions include minimizing
23 my supervisory responsibilities with regard to
24 conducting roll calls, as well as suggestions I
25 made regarding sector assignments.

1 Carpenter

2 Q So the reference to roll calls
3 is --

4 A It's -- this is like a follow-up
5 to the conversation we had regarding the roll
6 calls, me not doing roll calls.

7 Q Is there anything else other than
8 that document which memorializes your objection
9 to not being allowed to do roll call?

10 A Not that I recall.

11 Q Did your inability to do roll
12 calls, was that for a certain amount of time,
13 March 1st through April 5, 2014, or did it
14 continue past that?

15 A I'm not sure. I got injured the
16 14th, April 14th.

17 Q Longest it would have been is from
18 March 1st to April 14th?

19 A Fourteen.

20 Q 2014?

21 A Right.

22 Q Did that inability to do roll call
23 affect your career at all?

24 A Absolutely.

25 Q How so?

1 Carpenter

2 A Because when you -- conducting
3 roll calls is an opportunity for training and
4 to be able to communicate directly with the
5 officers and help their development. And so
6 they get to see, to understand my expectations
7 when they're out on the street. I'm
8 supervising them and -- and I get to discuss
9 whatever I see on the street to help them.

10 Q If you weren't doing roll call,
11 were you required to remain silent during the
12 briefing?

13 A I wasn't required to. No one
14 said, No, you have to remain silent. But
15 whoever does the roll call also does the roll
16 call training. Because I was consistently
17 assigned as the street supervisor. That
18 precluded me from the opportunity to train and
19 develop the officers.

20 Q To train and develop the officers?

21 A Right.

22 Q Not yourself?

23 A To train and develop the officers.

24 Q There is an allegation in your
25 complaint at Paragraph 36 where you indicate

1 Carpenter

2 that following your injury at the police
3 department, that you were ordered to see the
4 police doctor?

5 A Yes.

6 Q Can you describe that allegation?

7 A Well, I was transported from
8 police headquarters following my fall to the
9 emergency room, where I was diagnosed with a
10 torn meniscus. I was issued crutches and --
11 and told not to bear weight on it. And the
12 police doctor had been contacted and notified.

13 And so on this particular day,
14 Chief Dumser ordered me from my home to report
15 to HQ and that I had to -- and I simply said to
16 him that -- but I had to do it that day. And I
17 explained to him that I'm on crutches. I have
18 limited mobility. I didn't have any
19 transportation. They had to arrange for
20 transportation.

21 Q Now, you were injured on April
22 14th of 2014, is that correct?

23 A Right.

24 Q And the incident we are referring
25 to was on April 23, 2014?

1 Carpenter

2 A Yes.

3 Q So about nine days later?

4 A Yes.

5 Q During this time, by regulations,
6 you were to be sick in quarters, sick at home?

7 A Yes.

8 Q And during this time where you are
9 sick in quarters or sick at home, you would be
10 allowed to leave your house for certain
11 reasons?

12 A Allowed to?

13 Q Yes.

14 A Yes.

15 Q You had to ask permission to
16 leave?

17 A Right.

18 Q And you would be expected to
19 report in to the police department from time to
20 time, is that correct?

21 A On this particular day, I was
22 asked to report to headquarters.

23 Q Do you know of other officers who
24 are on sick leave, or 207 leave, who are
25 required to report in to the police department?

1 Carpenter

2 A Who are required to report in to
3 the police department?

4 Q Like you did.

5 A No. Required to report means to
6 make a phone call if you have to go to the
7 doctor and you let -- make notification.

8 Q You don't know of any other police
9 officers who were required to physically show
10 up at the police department while they are
11 either sick or on 207 sick leave?

12 A I know of one sergeant at the time
13 who was required to, but he was provided with
14 transportation.

15 Q So other than lacking
16 transportation, was there an objection to the
17 request that you had to show up at the --

18 A No, the only -- the only challenge
19 I had was I was physically unable to drive.
20 And I simply said, you know, I don't have --
21 and I expressed that, and he said that's your
22 problem.

23 Q Is there anything else regarding
24 that allegation in the complaint that is
25 significant for your lawsuit?

1 Carpenter

2 A The significance was that -- that
3 I was treated differently than other male
4 counterparts who were allowed -- provided
5 transportation to come to headquarters.

6 Q What other male counterparts were
7 provided transportation?

8 A Sergeant Mitchell was provided
9 transportation by the department to go to the
10 doctor to be transported back and forth.

11 Q How do you know that?

12 A Because they -- it was in the Com
13 Stat report.

14 Q How would it have appeared in the
15 Com Stat report?

16 A I don't know but I read it. It
17 was in the -- it was in a -- it was in a
18 report.

19 Q For the record, what is Com Stat?

20 A Com Stat is where, you know, the
21 command staff meets and they go over different
22 data that pertains to the functioning of the
23 department.

24 Q And your testimony is that his
25 medical transportation showed up in Com Stat --

1 Carpenter

2 A It did.

3 Q -- data?

4 A It showed up in a report.

5 Q In your complaint at Paragraphs 43
6 through 54, you refer to the denial of your
7 207-C claim.

8 Do you recall those allegations?

9 A I am -- what allegations do you
10 speak about?

11 Q Well, actually, Paragraph 40
12 references a denial of benefits a second time.
13 Do you see that?

14 MR. SMITH: Off the record for a
15 second.

16 (Discussion held off the record.)

17 MR. SMITH: What was the question
18 again?

19 (The record is read back by the
20 reporter.)

21 A I see it.

22 Q Was the denial subsequently
23 modified at some point in time?

24 A The denial, according to Captain
25 Goldman, was put on abeyance until further

1 Carpenter

2 investigation.

3 MR. SWEENEY: We can go off the
4 record.

5 (Discussion held off the record.)

6 Q Sergeant Carpenter, is there
7 something you wanted to clarify on the record?

8 A Yeah. When I was talking to
9 Lieutenant Nawrocki when he made the statement,
10 You should -- you need to control your
11 emotions, I recorded him on my cell phone that
12 I had at that time. That was obviously way
13 before the lawsuit. But I don't have that
14 recording anymore. I don't have the phone
15 anymore.

16 Q Did you provide a copy of that
17 recording to anyone?

18 A No.

19 Q When you had the conversation with
20 Lieutenant Nawrocki and he was taped, I assume
21 that you start taping before the conversation
22 started?

23 A Before the conversation started.

24 Q As opposed to in the middle of the
25 conversation?

1 Carpenter

2 A I don't remember.

3 Q Why did you want to record that
4 particular conversation?

5 A Because we were not communicating
6 well, and I wanted the conversation to be able
7 to -- if I ever needed to refer to it, I wanted
8 it to be -- to be able -- I wanted to be able
9 to -- the truth of the conversation to be
10 conveyed, as opposed to allegations that I had
11 become used to.

12 Q What do you mean, allegations that
13 you have become used to?

14 A Allegations that, you know -- of
15 my actions. I just wanted to make sure that if
16 anything came of it, that it would be conveyed
17 truthfully.

18 Q So this taping would have occurred
19 in October of 2013?

20 A Right.

21 Q And it was following the roll call
22 that day?

23 A Right.

24 Q And this was taped in the presence
25 of, is it [REDACTED]?

1 Carpenter

2 A Right.

3 Q Did Lieutenant Nawrocki know that
4 he was being taped?

5 A I don't know, but I did have my
6 phone out.

7 Q When you say out, was it --

8 A I had it in my hand just like this
9 (indicating).

10 MR. SMITH: Just wait for him to
11 finish the question.

12 Q You indicated that you had it
13 palms up displayed like that?

14 A Yes, I did.

15 Q Are there any other occasions
16 where you taped other co-workers at the Mount
17 Vernon Police Department --

18 A Not that I remember.

19 Q -- specifically regarding the
20 allegations in this lawsuit?

21 A That I taped anybody? Yes, yes,
22 Lieutenant Curzio.

23 Q When did you tape Lieutenant
24 Curzio?

25 A The -- the -- when I fell.

1 Carpenter

2 Q That's the fall in April of 2014?

3 A Right.

4 Q Why did you tape Lieutenant
5 Curzio?

6 A Because he was being just
7 completely -- he was just being completely
8 ridiculous. I was in extreme pain and, you
9 know, his behavior up until that point, it was
10 just constant harassment, harassment,
11 harassment.

12 Q What do you mean?

13 A And so I had gotten to a point
14 where I felt like I needed to protect myself.

15 Q I don't know what you mean, so I
16 want you to walk me through the sequence of
17 events that led up to you taping Lieutenant
18 Curzio.

19 A Yeah, I -- I went down to -- to
20 get my memo book. I realized I didn't have the
21 key 'cause my -- my bag was up at the desk. So
22 I come back upstairs after I'm injured.

23 I'm explaining to him, and he's
24 just not listening. He's going on about, you
25 know, I just want your memo book. And I'm

1 Carpenter

2 saying, Just get me an ambulance.

3 And so instead of just arguing
4 with him -- and he's going back and forth about
5 this memo book, and I'm in extreme pain, and
6 I'm saying, I need an ambulance. And so at
7 that point, I decided to tape him.

8 Q And did you record him?

9 A Yes.

10 Q And what did you do with that
11 recording?

12 A My phone -- my phone died. That's
13 basically what happened.

14 Q When you say your phone died, what
15 do you mean by that?

16 A Yeah, it just -- I just lost -- I
17 ended up having to get a new phone, and the
18 recordings didn't transfer.

19 Q Did you bring it to anyone to
20 transfer the recordings?

21 A No, it was -- it just stopped
22 working, actually. It wasn't even like I
23 couldn't -- I mean, trust me, I was upset too.
24 But it just -- I had to get another phone.

25 Q Did Lieutenant Curzio know that he

1 Carpenter

2 was being recorded?

3 A No.

4 Q You describe having the phone out
5 palms up with the Lieutenant Nawrocki incident.
6 You didn't do the same thing with Lieutenant
7 Curzio?

8 A It was on the desk.

9 Q In April of 2014, you would have
10 already filed two complaints with the city's HR
11 department, is that correct?

12 A Right.

13 Q And did you know that those
14 recordings would have been valuable evidence in
15 support of your claim?

16 A I was -- yes.

17 Q Did you tell anyone that you had
18 made recordings of Lieutenant Nawrocki or
19 Lieutenant Curzio?

20 A I -- I did tell the -- well,
21 ultimately I was assigned the PBA attorney, so
22 I did tell him.

23 Q Which PBA attorney is that?

24 A Garafola.

25 Q And I don't want to get into your

1 Carpenter

2 descriptions or your conversations with
3 Attorney Garafola, but what time frame would
4 that conversation have taken place?

5 A What do you mean, what time frame?

6 Q What month or date?

7 A When he -- I guess sometime during
8 2014.

9 Q Was that in connection with the
10 207 claim --

11 A Yes.

12 Q -- or some other matter?

13 Let's do it this way. I am going
14 to show you what's marked as Defendants'
15 Exhibit Y, which is Bates stamped 111.

16 (Mr. Sweeney hands document
17 to witness.)

18 Q What is Defendants' Exhibit Y?

19 A This is the report that I
20 submitted regarding my fall.

21 Q That's the fall of April 14, 2014?

22 A Right.

23 Q That's when you were going
24 downstairs to get your memo book?

25 A Right.

1 Carpenter

2 Q And you were asked to provide
3 an MV-5 to describe your actions prior to
4 the fall?

5 A To describe my actions prior to my
6 fall?

7 Q Or how your fall occurred?

8 A Right.

9 Q That's the reason you filled it
10 out, right?

11 A I filled it out as part of
12 procedure. We have to submit -- we have to
13 follow it up with a report. I was asked to.

14 Q You were asked to provide a
15 narrative description of what happened to you,
16 is that correct?

17 A I believe so. I was asked to
18 provide a request for 207-C to be considered
19 for 207-C in writing.

20 Q I am going to hand you what is
21 marked as Defendants' Exhibit Z, as in zebra,
22 Bates stamped 112 through 114, and ask you to
23 take a look at that.

24 (Mr. Sweeney hands document
25 to witness.)

1 Carpenter

2 A Okay.

3 Q What is that document?

4 A This is a supervisory report
5 written by Lieutenant Curzio regarding the
6 incident of my fall that occurred on April 14,
7 2014, in spite of the fact that he did not
8 investigate. He was not the investigating
9 officer.

10 Q At some point in time, did you get
11 a copy of Lieutenant Curzio's -- is it MV93?

12 A I got it from -- yes, it was --
13 yes, I did.

14 Q When did you get a copy of that?

15 A I got it during the 207-C hearing.

16 Q Exhibit Z --

17 A I got it actually following a
18 207-C hearing.

19 Q Were you questioned with respect
20 to the fact that you didn't have the memo book
21 available on or about April 14, 2014?

22 A Was I questioned by whom?

23 Q Anyone at the police department.

24 A When?

25 Q Anyone at the police department on

1 Carpenter

2 or after April 14, 2014 about the lack -- your
3 lack of a memo book.

4 A I was questioned by Lieutenant
5 Curzio.

6 Q And is that set forth in Exhibit
7 Z, his questioning of you?

8 A Yes, he states that he questioned
9 me about my memo book.

10 Q What was the reason that
11 Lieutenant Curzio wanted to see your memo book?

12 A He didn't say. The day before,
13 the -- a few days before, Lieutenant Godshall
14 advised me that there was an incident he needed
15 to look up, and he gave me a particular date in
16 my memo book. And I explained to him that I
17 had to catch it up, but there was no real
18 incident that had occurred that he could tell
19 me about so --

20 Q I am going to show you what's
21 marked as XX, which is Bates stamped 395.

22 (Mr. Sweeney hands document
23 to witness.)

24 A Okay.

25 Q Do you recognize that exhibit?

1 Carpenter

2 A I recognize it.

3 Q Do you recall receiving that
4 letter from Captain Goldman?

5 A Yes, I do.

6 Q And in response to that letter,
7 you provided certain medical information to
8 Captain Goldman, is that correct?

9 A In response to this letter, I
10 called, and I got, I think Lieutenant Nawrocki
11 on the phone.

12 Q And did you provide any additional
13 information?

14 A I -- I did send another copy of
15 the information.

16 Q All right. I will take that back.

17 (Witness hands document
18 to Mr. Sweeney.)

19 Q At some point in time, the denial
20 of your 207 claim had been modified? I have
21 just handed you Exhibit VV --

22 A Right.

23 Q -- Bates stamped 393.

24 Do you recall receiving that
25 letter?

1 Carpenter

2 A I do.

3 Q And that letter indicated to you
4 that your denial had been modified of your
5 claim?

6 A The letter from Captain Goldman at
7 the time referenced that the denial of my 207-C
8 claim was based on my failure to cooperate, and
9 that was not true.

10 Q But at some point in time, you
11 received notification from the police
12 department that your 207-C claim was being
13 looked at or reviewed again?

14 A He further, he goes on to say,
15 Please be advised that action on your appeal is
16 being held in abeyance so that the Mount
17 Vernon -- so that the City of Mount Vernon can
18 reopen its investigation by collecting relevant
19 medical records, which they never did, and
20 arranging for an IME, which also they never
21 did.

22 Q There came a point in time where
23 the police commissioner issued you a revised
24 denial?

25 A Yes, he did.

1 Carpenter

2 Q Is that set forth on Exhibit YY?

3 A Yes, it is.

4 Q And did you take an appeal from
5 that denial in September of 2014?

6 A This denial, it -- it indicates
7 that I have the right to appeal this denial by
8 requesting an appeal hearing within ten days of
9 the receipt of this letter, which I did do.

10 Q And you had a hearing at police
11 headquarters, correct?

12 A I did.

13 Q You were represented by counsel at
14 that hearing?

15 A I was representing by counsel.

16 Q Was that Attorney Garafola?

17 A Yes.

18 Q And did you produce witnesses on
19 your behalf?

20 A I did.

21 Q And that was presided over by
22 Deputy Chief --

23 A Deputy Chief Commissioner Raynor
24 designated -- Police Commissioner Terrence
25 Raynor designated Deputy Commissioner Richard

1 Carpenter

2 Burke to preside over my 207-C hearing, in
3 spite of the fact that we did request an
4 independent hearing arbitrator.

5 Q There came a time where Police
6 Commissioner Raynor issued a final
7 determination on your appeal correct?

8 A Yes, he did. He upheld his
9 initial denial.

10 Q And did you appeal from that
11 denial to the Supreme Court?

12 A No, I did not.

13 Q Why did you not?

14 A I didn't have any money. I had
15 been out of work, not getting paid, and I had
16 been crippled financially. And I was
17 financially unable to pursue the matter further
18 as a result of that decision.

19 Q The effect of that determination
20 was to find that you were not injured in the
21 line of duty, is that correct?

22 A The effect of that determination
23 was to deny me the 207-C, was to deny me 207-C
24 benefits.

25 Q Now, in your complaint, you

1 Carpenter

2 allege, Paragraph 37, that you were designated
3 as a chronic absentee?

4 A Yes.

5 Q Can you tell me about that
6 allegation?

7 A Well, I simply received a letter
8 while I was already out injured that I was
9 designated chronic sick. And I wasn't given
10 the -- the ability of due process, as
11 stipulated in the rules and regulations, or
12 that has been afforded other officers who have
13 been accused of the same thing.

14 MR. SWEENEY: Can I have that
15 marked?

16 (Document is marked Defendants'
17 Exhibit EEE for identification, as of
18 this date.)

19 MR. SWEENEY: Off the record.

20 (Discussion held off the record.)

21 Q I am showing you what is EEE,
22 which is Bates stamped 107.

23 (Mr. Sweeney hands document
24 to witness.)

25 A Okay.

1 Carpenter

2 Q Do you recognize what that is?

3 A It's an e-mail from Captain
4 Hastings, a memo from Captain Hastings
5 requesting that all sergeants are reminded to
6 review records of their prospective assigned
7 officers and forward chronic sick
8 recommendations.

9 Q Does that document set forth the
10 criteria to be designated as a chronic sick?

11 A It doesn't complete -- this is not
12 complete.

13 Q In what respect is it not
14 complete?

15 A There's -- the process is missing.

16 Q What process is missing?

17 A The process of designating someone
18 as chronic sick is missing. This doesn't
19 have -- this is not complete (indicating).
20 This is just, you know, a memo that he sent as
21 a reminder and for some bases to go on but
22 the -- it's a little bit more extensive.
23 Administrative guide that he references here
24 is -- is a lot more lengthier than this
25 (indicating).

1 Carpenter

2 Q Okay.

3 A It's 2023.

4 Q I am going to show you what's
5 marked as Defendants' Exhibit X, which is Bates
6 stamped 110, I believe.

7 (Mr. Sweeney hands document
8 to witness.)

9 Q Do you recognize that?

10 A Yes.

11 Q What is that?

12 A This is a letter from Captain
13 Goldman advising me that I have pursuant to
14 department manual 2.023 of the administrative
15 guide chronic absent -- that I been designated
16 a chronic absentee, I am ineligible for
17 voluntary overtime and off-duty employment.
18 Please be aware that this notice takes place
19 immediately.

20 Once again, Captain Goldman in
21 sending this directive towards me in particular
22 negates the complete process that is spelled
23 out in the department manual of 2.023 regarding
24 chronic absences.

25 Q Did you take any appeals from that

1 Carpenter

2 determination?

3 A I was out already. I mean, I
4 was -- this although this is -- this is -- this
5 is dated April 7th, I didn't get it -- receive
6 it till after I was already home.

7 Q So when would that have been that
8 you received it?

9 A It was after April 14th, after I
10 fell.

11 Q Sometime in April of 2014?

12 A Right.

13 Q And after you received that
14 sometime in April of 2014, did you appeal from
15 that determination?

16 A I was already injured. I was in
17 really, really bad shape initially. It was
18 just -- I had sent a letter to the PBA to have
19 them handle it because that's what they're
20 supposed to do. And I didn't get any response.

21 Q Did you follow up after you didn't
22 get a response from the PBA?

23 A No, I was -- once again, I was out
24 injured. I was trying to manage a lot of
25 things as a result of my injury. And initially

1 Carpenter

2 I did follow up with the PBA, but that's about
3 the extent of it.

4 Q I am going to show you what's been
5 marked as Defendants' Exhibit DD, which is
6 Bates stamped 133, 134 and ask you to take a
7 look at that.

8 (Mr. Sweeney hands document
9 to witness.)

10 A You keep referring to me as --
11 who's the defendant? I'm the plaintiff,
12 correct?

13 MR. SMITH: Off the record for one
14 second.

15 (Discussion held off the record.)

16 A Okay. This is a letter I sent to
17 PBA President Greg Addison, the PBA president,
18 dated April -- dated May 7th, I'm sorry. And
19 it states on -- this says dated May 7th, it
20 says -- oh boy. I messed up. I transposed the
21 numbers, apparently.

22 But I received a letter from
23 Captain Goldman indicating that I was being
24 placed on chronic sick list. Days later, I
25 learned that my name was on public display at

1 Carpenter
2 headquarters on green paper, typically
3 designated to display the names of those who
4 have faced disciplinary action.

5 I had become aware that PBA
6 President Addison and PBA Trustee Patrick
7 Jean-Jerome had already begun consideration
8 conversations with Commissioner Raynor
9 regarding the chronic sick policy, and I am
10 submitting the above as a formal grievance
11 utilizing the resources afforded me as a member
12 of the Police Benevolent Association.

13 I'm asking that you intervene in
14 such a way that the policy is properly
15 evaluated, and my name is rescinded from the
16 chronic sick designation ASAP.

17 Q After sending this letter or
18 e-mail to Greg Addison on or about May 7, 2014,
19 you said you transposed numbers. Looking at --
20 strike that. Looking at the first page of
21 Exhibit DD --

22 A Yes.

23 Q -- which is Bates stamped 133, it
24 appears to be dated May 7, 2014, is that right?

25 A Right.

1 Carpenter

2 Q And there appears to be another
3 date in the first sentence?

4 A Yes.

5 Q And what was the date supposed to
6 have been?

7 A I don't know what date it was
8 supposed to have been. The first is -- it
9 states 05/20/14. So May of 2014 is what
10 somehow I mixed up the numbers. I wrote the
11 number in error.

12 Q Would that number that looks like
13 it is erroneous, would that have been before or
14 after May 7th of 2014? The letter is dated May
15 7th, right?

16 A Right. So it would have had to
17 have been before May 7th.

18 Q Did you receive response from Greg
19 Addison or anyone else at the PBA?

20 A I don't remember.

21 Q Well, do you know if the PBA filed
22 a grievance on your behalf?

23 A I don't remember.

24 Q Is there --

25 A Again, that's during the time when

1 Carpenter

2 I was injured, and I was in severe pain trying
3 to manage, that being the priority. So I don't
4 remember if they did or not. My priority focus
5 at the time was really getting treated for my
6 injury.

7 Q What procedures would have to be
8 followed in order to appeal from a chronic
9 absentee designation?

10 A What procedures specifically?
11 It's stipulated in the rules and regulations of
12 the chronic sick policy.

13 Q So whatever procedures are set
14 forth in the rules and regulations are the ones
15 you would have to follow --

16 A Yeah.

17 Q -- is that correct?

18 A And also that the department is
19 bound to follow as well.

20 Q Now, in addition to filing
21 submissions with the city's human resources
22 person, you also filed an EEOC complaint, is
23 that correct?

24 A Yes, I did.

25 Q I am going to show you what's

1 Carpenter
2 marked as Defendants' Exhibit EE, which starts
3 with Bates stamp 147.

4 (Mr. Sweeney hands document
5 to witness.)

6 A Okay.

7 Q Do you recognize that exhibit?

8 A Yes.

9 Q What is it?

10 A This is a response from the Equal
11 Employment Opportunity Commission to the --
12 acknowledging the charge of employment
13 discrimination against the City of Mount
14 Vernon.

15 Q And what's the date of the EEOC
16 acknowledgement of your claim or your charge?

17 A The acknowledgment, April 25,
18 2014.

19 Q Right, and I take it that you had
20 filed a charge with the EEOC or your attorney
21 had filed a charge before that date?

22 A Yes, it's dated March 24th.

23 Q Did you have an attorney assist
24 you with that filing?

25 A Yes.

1 Carpenter

2 Q And who was that attorney?

3 A Patricia Mulligan.

4 Q Did you provide a copy of that to
5 anyone at the Mount Vernon Police Department
6 after it was filed?

7 A No.

8 Q Do you know if your attorney
9 provided a copy of that to anyone at the Mount
10 Vernon Police Department?

11 A I'm sure she -- I believe she did.

12 Q Who would she have provided that
13 to?

14 A Well, I don't -- I'm not sure, I'm
15 not sure.

16 Q There came a time where the EEOC
17 declined to accept the charge, is that correct?

18 A The -- I don't know.

19 Q I am showing you what is marked as
20 Defendants' Exhibit TT, and it is Bates stamped
21 313 and 314.

22 (Mr. Sweeney hands document
23 to witness.)

24 A And what was the question?

25 MR. SWEENEY: What was the

1 Carpenter

2 question?

3 (The record is read back by the
4 reporter.)

5 Q I was going to ask you if you
6 recall receiving that in the EEOC.

7 A I -- I don't recall receiving this
8 from the EEOC.

9 Q Okay, I will take that back.

10 (Witness hands document
11 to Mr. Sweeney.)

12 Q I am going to show you what
13 is marked as Exhibit UU, which is Bates stamped
14 322.

15 (Mr. Sweeney hands document
16 to witness.)

17 A Okay.

18 Q Do you recall receiving that?

19 A No, I did not receive this.

20 Q You didn't receive it or you don't
21 recall receiving it?

22 A I don't recall receiving this.

23 Q Do you know what the EEOC did with
24 your charge?

25 A As far as I know, they issued a

1 Carpenter

2 right to sue.

3 Q Right?

4 A Letter.

5 Q But you don't know if they ruled
6 on whether or not you had reasonable cause for
7 your charge?

8 A I have heard that the right to sue
9 was sufficient evidence that there was
10 reasonable cause.

11 Q The memorandum that you are
12 looking at from the EEOC indicates that the
13 city produced evidence that complaints had been
14 made against you?

15 A Right.

16 Q Do you know what complaints that
17 refers to?

18 A No.

19 Q The memorandum you are looking at
20 refers to discipline being taken against
21 certain police officers that you brought up.
22 Do you see that?

23 A I see it.

24 Q Do you know what discipline was
25 taken against the officers that --

1 Carpenter

2 A No, I don't.

3 Q The memorandum you are looking at
4 refers to you making judgments based on race,
5 do you see that?

6 A Yes.

7 Q Did you make judgments based on
8 race?

9 A I don't know what they're
10 referring to.

11 Q Okay. I can take that back.

12 (Witness hands document
13 to Mr. Sweeney.)

14 Q I am showing you what is marked as
15 Defendants' Exhibit ZZ. It is two pages Bates
16 stamped. Really can't see the Bates stamp. It
17 is in the 930 range.

18 MR. SMITH: Is this it
19 (indicating)?

20 MR. SWEENEY: Yes.

21 MR. SMITH: Okay.

22 (Mr. Sweeney hands document
23 to witness.)

24 A Okay.

25 Q Do you recognize that document?

1 Carpenter

2 A It appears that it's a performance
3 evaluation signed by Lieutenant Curzio.

4 Q You received that evaluation, I
5 take it?

6 A I did not.

7 Q You don't recall receiving it or
8 you didn't receive it?

9 A I didn't -- I don't recall
10 receiving this.

11 Q Did you file any appeals of a
12 evaluation from Lieutenant Curzio from the
13 April 2014 time frame?

14 A I'm sorry?

15 Q Did you file any appeals of an
16 evaluation that Lieutenant Curzio did in April
17 of 2014 time frame?

18 A No.

19 Q You are supposed to receive
20 periodic evaluations, correct?

21 A Yes.

22 Q And it is your testimony that you
23 never received or you don't recall receiving an
24 evaluation from the April 2014 time frame?

25 A No.

1 Carpenter

2 Q No, that you didn't receive it or
3 no, you don't recall receiving it or --

4 A I did not.

5 Q Did not receive it?

6 A I did not receive it.

7 MR. SWEENEY: Off the record.

8 (Discussion held off the record.)

9 MR. SMITH: Can you just repeat
10 back I guess those two questions and
11 what her responses to those were?

12 (The record is read back by the
13 reporter.)

14 MR. SMITH: You can ask a
15 different question but that's --

16 Q Just for clarify for the record,
17 Sergeant Carpenter, looking at Exhibit ZZ,
18 which appears to be a performance evaluation of
19 you in the April of 2014 time frame, it is your
20 testimony under oath that you never received
21 that evaluation?

22 A Yes.

23 Q Okay.

24 Sergeant Carpenter, going back to
25 an earlier line of questioning, with respect to

1 Carpenter

2 the recordings that you made on your cell phone
3 which died, did you upload those to any
4 database?

5 A No.

6 Q Did you transfer those to your
7 computer?

8 A No.

9 Q Did you make a copy of that for
10 any other person?

11 A No.

12 Q Are there any copies of that
13 recording in existence?

14 A No.

15 Q What happened to the cell phone
16 that died?

17 A It was --

18 Q Do you still have it in your
19 possession?

20 A No, I don't have it. While I was
21 out it just -- it just stopped working. And
22 there's -- I went to the store to explain to
23 them that my phone wasn't working, and I got
24 duped into buying a new phone and -- and I
25 didn't -- the information didn't transfer, and

1 Carpenter

2 it was a mess. That's the bottom line with
3 that.

4 Q When you went to the store to get
5 a new --

6 A I really just wanted them to look
7 at it because my phone wasn't working.

8 Q And what type of phone was it?

9 A It was a Note.

10 Q A Note?

11 A Yeah.

12 Q Who makes the Note?

13 A Samsung.

14 Q And what happened to the Note, the
15 phone, after you went to the phone people?

16 A What did I do with that phone? I
17 mean, it doesn't work.

18 Q Do you still have it?

19 A I don't even.

20 MR. SWEENEY: Do it this way. To
21 the extent that the phone still exists,
22 I make a demand for the phone be turned
23 over and that all relevant evidence be
24 preserved.

25 Q I am going to show you what is

1 Carpenter

2 marked as BBB. Again, there is no real Bates
3 stamps I can see on the bottom.

4 (Mr. Sweeney hands document
5 to witness.)

6 A Right.

7 Q Do you recognize what that is?

8 A This is a memo. Okay. This is a
9 memo to Commissioner Raynor from Deputy
10 Commissioner Richard Burke. It's dated
11 November 17, 2013 and -- and his recommendation
12 that I be disciplined for an injury I sustained
13 while on duty, July 19, 2013.

14 Q You claimed a line of duty injury
15 in July of 2013?

16 A Yes.

17 Q And that occurred during a
18 training evaluation, as I understand it?

19 A Yes.

20 Q What training were you taking at
21 that time?

22 A It was an active shooter training.

23 Q And what happened to you that you
24 got injured?

25 A I fell.

1 Carpenter

2 Q Where did you fall?

3 A I fell on -- inside Saints Peter
4 and Paul School that we were training at.

5 Q And you sustained a knee injury?

6 A Yes.

7 Q In April of 2000, when getting
8 your memo book, you sustained a knee injury?

9 A Yes, I did.

10 Q And you tripped and fell on the
11 stairs at the police department?

12 A I fell on the steps at the police
13 department.

14 Q Same knee?

15 A The same knee.

16 Q Did you have permission to leave
17 training early?

18 A Leave training early?

19 Q Yes. Strike that.

20 Were you present for all of the
21 training, the active shooter training?

22 A I was present for -- I can't
23 remember what time.

24 Q Did you attend all the training?

25 A I believe I attended most of it.

1 Carpenter

2 I mean, I was one of only the few supervisors
3 that attended, myself and another supervisor.
4 We -- most of the supervisors didn't attend.

5 Q Do you know --

6 A And we weren't required to.

7 Q Do you know why Deputy
8 Commissioner Burke was recommending discipline
9 against you?

10 A No.

11 Q Have you seen that before today?

12 A I've seen this. It was -- yes,
13 but I was never -- I've seen it.

14 Q And you were never disciplined for
15 that incident?

16 A No.

17 Q There came a time that you were
18 directed to undergo a psychological
19 fitness-for-duty exam, is that correct?

20 A Yes.

21 Q And that allegation is set forth
22 in Paragraph 48 of your complaint, is that
23 right?

24 A Okay. Yes.

25 Q Is that correct?

1 Carpenter

2 A Yes.

3 Q I am going to hand you what is
4 marked as Defendants' Exhibit LL, which is
5 Bates stamped 188.

6 (Mr. Sweeney hands document
7 to witness.)

8 A Okay.

9 Q Do you recognize that document?

10 A Yes.

11 Q What is it?

12 A This is a letter I received from
13 Commissioner Raynor ordering me to report for a
14 fitness-for-duty examination that has -- was
15 scheduled for July 28 2014.

16 Q And you attended that examination?

17 A Yes, I did.

18 Q I am handing you Exhibit PP, which
19 starts with Bates stamped number 199.

20 (Mr. Sweeney hands document
21 to witness.)

22 A Okay.

23 Q Do you recall receiving a copy of
24 that examination report?

25 A I do.

1 Carpenter

2 Q When you met with Dr. Fayer,
3 F-A-Y-E-R, did you provide him with information
4 regarding how you were feeling?

5 A Yes.

6 Q Did he ask you questions about
7 your mental status?

8 A What do you mean?

9 Q What questions did he ask you?

10 A I don't remember. That was July,
11 that was back in July.

12 Q All right.

13 A You have a report.

14 Q Right. Do you have a recollection
15 of the examination itself?

16 A Of course.

17 Q What questions did he ask?

18 A He asked a series of questions.

19 Q Did he ask you if you were
20 depressed?

21 A He may have.

22 Q Did he ask if you were anxious?

23 A He may have.

24 Q Did he ask if you were under
25 stress?

1 Carpenter

2 A He may have.

3 Q Can I take that back?

4 A Okay.

5 (Witness hands document
6 to Mr. Sweeney.)

7 Q In his report, he indicates that
8 you denied being anxious, is that correct?

9 A Is that what he indicates?

10 Q Your attorney has a copy of the
11 same report.

12 MR. SMITH: Repeat the question,
13 I'm sorry.

14 Q It is on Page 206. He indicates
15 in his report that you denied being anxious.
16 That's the first paragraph on Bates stamped
17 206.

18 A Okay. Go ahead. I'm sorry, she
19 denies being anxious.

20 Q Is that a correct statement, you
21 denied being anxious? Did you tell him you
22 were anxious or that you were not anxious?

23 A I -- I guess I told him I was not
24 anxious.

25 Q He indicates that you denied a

1 Carpenter

2 suicidal ideation in the past or present. Do
3 you see that?

4 A I see.

5 Q Do you recall denying that you
6 expressed feelings of wanting to commit
7 suicide?

8 A Correct.

9 Q So you have a recollection of
10 that, is that correct?

11 A Do I have a recollection of that?

12 Q Yes.

13 A He asked a series of questions.
14 I'm gonna assume that he -- this is what he
15 asked.

16 Q Right. He indicates that you
17 denied feelings of hopelessness or
18 helplessness. Do you recall that?

19 A Correct.

20 Q And he says that you are hopeful
21 about the future and would like things to work
22 out?

23 A Yes.

24 Q You recall saying that?

25 A Yes.

1 Carpenter

2 Q And that you denied any difficulty
3 with impulse control, loss of temper,
4 aggressive behavior or inappropriate behavior.
5 Do you see that?

6 A Right.

7 Q And is that a true statement?

8 A It's true.

9 Q Second paragraph to the bottom of
10 that page, she denies having any type of
11 psychological difficulties and denies the need
12 for any type of psychological treatment. Do
13 you see that?

14 A Correct.

15 Q Is that a true statement?

16 A At that time, correct.

17 Q What?

18 A He was asking me in the context of
19 that particular day, he started off a
20 conversation asking questions and I was
21 answering him in the context of that day. In
22 that day, I was not feeling anxious. At the
23 time I was more curious than anything as to why
24 I was being summoned.

25 Q Prior to July of 2014, had you

1 Carpenter

2 undergone any counseling, mental counseling?

3 A Not that I -- no.

4 Q No, or you don't recall?

5 A I don't recall.

6 Q Is it possible?

7 A July 31st, I was still just trying
8 to get around, so I don't think so.

9 Q So the answer to the question was
10 you don't recall --

11 A I don't recall. I was just still
12 trying to manage walking, you know, manage my
13 injury, so I wasn't really trying to travel
14 that much.

15 Q The question is not really
16 traveling. Do you recall?

17 A But I would have to go someplace,
18 you know, so I really was just trying to manage
19 my injury during that period of time.

20 Q This would have been before your
21 injury of April of 2014. At any time in your
22 life, have you undergone mental counseling or
23 treatment?

24 A Not that I recall. I mean, I
25 think everybody talks to somebody. I go to

1 Carpenter

2 church, I talk to my pastor. You know, I think
3 that's life. That's normal. But anything out
4 of ordinary, I don't think so.

5 Q So in terms of talking with a
6 licensed social worker or psychologist or
7 psychiatrist, you have not had that type of
8 treatment before April of 2014?

9 A I may have.

10 Q And who would that have been with?

11 A I don't know. I just am not going
12 to say absolutely anything at this point. You
13 know, it's been many years, so to have to
14 remember every little detail of your life, so
15 anything's possible.

16 Q I am going to show you what's
17 marked as CC, which is a notice of claim.

18 A Okay.

19 Q Bates stamped 129, 130.

20 (Mr. Sweeney hands document
21 to witness.)

22 A Okay.

23 Q Do you recall what that is?

24 A This is a notice of claim that
25 was --

1 Carpenter

2 Q Did you provide a copy of that
3 notice of claim to anyone at the police
4 department?

5 A I didn't provide any copies of --
6 these are legal documents that was drafted by
7 my attorney, so they would have provided the
8 copies to whom they deemed necessary. I didn't
9 provide any copies.

10 Q And who was the attorney that
11 helped you draft that?

12 A This was Patricia Mulligan, right,
13 Patricia Mulligan.

14 Q So you did not provide a copy of
15 that to anyone at the police department, is
16 that correct?

17 A No.

18 Q I am going to show you three
19 documents, MM, NN and OO, and they are Bates
20 stamped 190, 191, 192, 193, 194.

21 (Mr. Sweeney hands documents
22 to witness.)

23 A Right, okay.

24 Q The time frame those letters were
25 written appears to be in mid-July of 2014, is

1 Carpenter

2 that correct?

3 A Correct.

4 Q Why were those letters written?

5 A Because I had requested from
6 Commissioner Raynor to see -- as the Civil
7 Service Law avails me, the opportunity to see
8 any reports, complaints that were filed against
9 me prior to responding to a fitness-for-duty.

10 And I requested him several times
11 and he -- and got no response. So as of -- at
12 the time Nathan Edwards was commissioner of
13 Civil Service Department and Yuhanna Edwards
14 was the civil counsel member who has oversight
15 over the police department, and PBA President
16 Greg Addison.

17 I was simply trying to get
18 assistance in obtaining those complaints that
19 were -- that Commissioner Raynor alleged that
20 he used to come to the decision that I needed
21 to go to a fitness-for-duty.

22 Q Did you provide a copy of any of
23 those documents to the police department?

24 A I provided them to civil service,
25 PBA, PBA and civil service, yeah.

1 Carpenter

2 Q But PBA is not in your chain of
3 command, correct?

4 A Right.

5 Q So you didn't provide a copy of --

6 A Well, beyond the chain of command,
7 I was trying to get them from Commissioner
8 Raynor. So in order to -- to assist me after
9 Commissioner Raynor, I went to those other
10 entities that would be able to -- that I
11 thought could assist me.

12 Q All right. But the letters at
13 least to Mr. Edwards and to --

14 A Right, he's the commissioner of
15 civil service, and pursuant to Civil Service
16 Law, I was entitled to -- to be viewed, those
17 complaints, which I had not been.

18 Q The letters to Mr. Edwards, which
19 is NN, and the letters to Greg Addison, which
20 is OO, they contain allegations beyond just
21 asking for copies of the complaints, right?
22 You make certain allegations in those letters,
23 right?

24 A Yeah, these -- I recap different
25 issues that -- that I was experiencing that led

1 Carpenter

2 up to the, being -- that led up to my request
3 to see these complaints.

4 Q Okay. But you didn't provide
5 copies of those letters to the then police
6 commissioner or the deputy police commissioner
7 or the captain?

8 A These -- these have already been
9 addressed. These were -- these were -- these
10 things that were cited, had already been
11 addressed.

12 Q What do you mean, addressed?

13 A With the commissioner and through
14 the chain of command.

15 Q How were they addressed?

16 A You know, through different types
17 of reports that I filed and through different
18 reports that I filed. These had already been
19 addressed.

20 Q Okay. Can I get those back?

21 (Witness hands document
22 to Mr. Sweeney.)

23 Q I show you what's been marked as
24 AA and BB, which appear to be e-mails to and
25 from Mr. Garafola.

1 Carpenter

2 (Mr. Sweeney hands documents
3 to witness.)

4 A Right, okay, okay.

5 Q Without getting into specifics of
6 what you and Mr. Garafola discussed, what was
7 the purpose of that communication with
8 Mr. Garafola?

9 A It was simply to follow up e-mail
10 because I had not heard from him.

11 Q Were you contacting him with
12 respect to your 207 case or with respect to an
13 harassment issue?

14 A Well, as the PBA attorney, he
15 covers all of that.

16 Q Specifically what harassment issue
17 were you --

18 A Isn't that attorney-client
19 privilege?

20 Q Well, I don't want to get into the
21 communications you had with Mr. Garafola, but I
22 think I am entitled to know the subject matter
23 of what you were conveying.

24 MR. SMITH: Object to privilege.

25 MR. SWEENEY: Well, not for

1 Carpenter

2 nothing, I think the privilege has been
3 blown because she produced the document.

4 MR. SMITH: In terms of the words
5 in the e-mails.

6 MR. SWEENEY: What I am referring
7 to is in the subject matter of the
8 e-mail. It says harassment or something
9 like that, right?

10 MR. SMITH: You can answer in
11 terms of the context of these e-mails.
12 Repeat the question, I'm sorry.

13 (The record is read back by the
14 reporter.)

15 Q In this context, Sergeant
16 Carpenter, you made a claim of gender
17 discrimination against the city of Mount
18 Vernon, and I don't know if you allege general
19 harassment, if there is such a thing. Were you
20 communicating with respect to racial
21 harassment, gender harassment, some other type
22 of offensive treatment?

23 A Yes, I was.

24 Q Which one of the above?

25 A Gender, racial.

1 Carpenter

2 Q And then from the words set forth
3 on those documents, it appears that you believe
4 that Mr. Garafola was conflicted out of
5 representing you based on his relationship with
6 Lieutenant Hunce?

7 A Now what's the question?

8 MR. SWEENEY: Can you read it
9 back?

10 (The record is read back by the
11 reporter.)

12 A What do you mean by conflicted
13 out?

14 Q I think you used the word conflict
15 of interest, so I was just asking you what you
16 meant by that.

17 A Because he was related to
18 Lieutenant Hunce, who was on the PBA board at
19 the time.

20 Q So Attorney Garafola was
21 conflicted out from representing you in this
22 harassment issue because of his conflict with
23 Lieutenant Hunce?

24 A I didn't say that.

25 MR. SMITH: Can you repeat that

1 Carpenter

2 last question?

3 (The record is read back by the
4 reporter.)

5 Q And you said I didn't say that.

6 A I didn't say he was conflicted
7 out. I needed -- I was asking him for a
8 response regarding what appears to be a
9 conflict of interest as the PBA attorney.

10 Q And his response is set forth on
11 Exhibit BB?

12 A Okay. So his response is that --
13 and this is dated April 14th. His response was
14 is beyond reason -- his response was, Since you
15 have elected to proceed on your own, which I
16 did not, he's the only PBA attorney of record
17 representing the PBA, so I could not respond on
18 my own. He was the only person that I could
19 have to represent me. But he wrote it anyway:
20 Since you have elected to proceed on your own,
21 I respectfully decline to represent your
22 interests without the PBA board's direct
23 approval.

24 Q All right. I can take those back.

25 (Witness hands document

1 Carpenter

2 to Mr. Sweeney.)

3 Q The first sentence of his response
4 to you says, It is beyond reason that you feel
5 that since I am related to Lieutenant Hunce, it
6 would somehow influence my representation as
7 attorney for the Mount Vernon PBA. Do you see
8 that?

9 A That's his opinion.

10 Q Okay. I am just --

11 MR. SMITH: Just answer the
12 question.

13 THE WITNESS: Yes.

14 Q I am going to show you what's
15 marked as Exhibit RR, which is Bates stamped
16 277.

17 (Mr. Sweeney hands document
18 to witness.)

19 A Yes.

20 Q Do you know what that is?

21 A This is my response to Captain
22 Hastings regarding his accusation that I
23 accessed personnel files.

24 Q And in that response you indicate
25 that you were accessing the AS400, the

1 Carpenter

2 computer, for a very limited purpose, is that
3 right?

4 A Yes.

5 Q It was just to get, I think you
6 described as pedigree information, is that
7 right?

8 A Yes.

9 Q And pedigree with respect to date
10 of hire, I think you said tenure, is that
11 right?

12 A Yes.

13 Q Why would you need that
14 information for Commissioner Raynor?

15 A I was doing a report with regard
16 to submitting a report to Commissioner Bell,
17 and it was relevant to the report I was filing
18 at the time.

19 Q And what report was that?

20 A The report I was filing with
21 regard to Officer [REDACTED].

22 Q So in order to process the report
23 for Officer [REDACTED], you needed to get the
24 police commissioner's pedigree information?

25 A I was -- I was looking for a time

1 Carpenter

2 frame, and since we changed administration so
3 much, I just wanted to make sure that he was
4 the appropriate person that I was gonna be
5 sending it to.

6 Q Okay. I can take that back.

7 (Witness hands document
8 to Mr. Sweeney.)

9 Q I am going to show you what's been
10 marked as Defendants' Exhibit SS, which starts
11 at Bates stamped 282.

12 (Mr. Sweeney hands document
13 to witness.)

14 A Okay. This is response from the
15 EEOC New York district office, that they
16 received the charge of employment
17 discrimination against the above-named
18 respondent, City of Mount Vernon.

19 Q Do you recall receiving a copy of
20 that?

21 A I believe I did. The attorneys
22 did. I usually rely on them.

23 Q Did you provide a copy of that to
24 anyone at the police department?

25 A No, that wouldn't be something

1 Carpenter

2 that I would do.

3 Q Okay.

4 (Witness hands document
5 to Mr. Sweeney.)

6 Q Thanks.

7 In your complaint at Paragraph 66,
8 you refer to a subpoena for your bank records
9 that was done by Internal Affairs?

10 A Right.

11 Q Can you tell me about that
12 allegation?

13 A I was notified by the bank that
14 my -- that they received a subpoena for my bank
15 records.

16 Q Who did you speak with at the bank
17 about that?

18 A I don't know who exactly.

19 Q Do you recall what they told you
20 and what you said back to them at the bank?

21 A They said that they -- they have
22 received a subpoena, and there was a period of
23 time -- I don't know, they just -- they sent me
24 something in the mail, and I turned it over to
25 the PBA attorney at the time.

1 Carpenter

2 Q And who was that?

3 A That was John D'Alessandro. We
4 had a different PBA attorney.

5 Q Did you learn anything
6 subsequently about why Internal Affairs was
7 trying to get your banking records?

8 A No.

9 Q Is that still the case today?

10 A Yeah.

11 Q Was your credit history or any
12 other aspect of your financial life impacted by
13 this subpoena of your bank records?

14 A Impacted by the subpoena? Not
15 that I know of.

16 Q It didn't show up on a credit
17 report or anything, did it?

18 A Not that I know of.

19 Q What time frame or what date or
20 month did you return back to work following
21 your line-of-duty injury?

22 A January of 2016.

23 Q And you have been continuously
24 employed since then?

25 A Yes.

1 Carpenter

2 Q Have you tested for promotions
3 since then?

4 A Not since then. There has not
5 been a promotional exam.

6 Q Have you received discipline since
7 returning to work?

8 A Yes.

9 Q What discipline have you received?

10 A Well, I was presented with
11 departmental charges in February 2017.

12 Q And what's the status of that
13 discipline?

14 A I have no idea.

15 Q You have not gotten a hearing yet?

16 A I have not gotten a hearing.

17 Q Do you have an attorney for that
18 proceeding?

19 A Yes.

20 Q Who is the attorney?

21 A Well, I don't actually -- no, I
22 don't. I was presented with the charges, and
23 then I was told that it had to go to the law
24 department. So I don't have an attorney as of
25 yet. I'm waiting to see what the next step is

1 Carpenter

2 according to the rules and regs. They supposed
3 to -- once they present, they supposed to give
4 me a date and hearing, and that didn't happen.

5 Q What's the basis for the
6 discipline?

7 A E-mails that I sent with trying to
8 encourage the department to focus on the 21st
9 Century Policing Initiative that Captain
10 Adinaro deemed was worthy of departmental
11 charges.

12 Q What time frame were these e-mails
13 sent?

14 A I was assigned the 21st Century
15 Policing Initiative in January. I sent the
16 e-mails. They went from -- he picked from
17 incident -- different aspects of my e-mails all
18 the way up, I believe until December 2016.

19 Q You are claiming damages as a
20 result of the city's actions, is that correct?

21 A Yes.

22 Q What damages are you claiming?

23 A Extensive damages, extensive
24 damages to my reputation, my ability to
25 supervise, and just emotional stress, my

1 Carpenter

2 physical health, the impact on my family, my
3 financial -- my finances. It was -- it was
4 impacted tremendously.

5 Q So with respect to damages to your
6 reputation, what damages to your reputation are
7 you claiming?

8 A That the -- the -- the department
9 and Captain Goldman and -- you know, by
10 conveying to members of the department that I
11 lied, that I refused to cooperate with my 207-C
12 investigation made me out to be a liar, which
13 was not true.

14 By leaking the process, my --
15 my -- my communication with regard to 207-C was
16 only with the Lieutenant Nawrocki, who was up
17 in at the time Captain Goldman, Raynor. But
18 yet they spoke with other members of the
19 department. And that gave -- that impacted my
20 relationships throughout the department as
21 though I was a liar, which was, you know, not
22 the truth.

23 I just simply fell. I just needed
24 to get treated so I can get back to work. And
25 that impacted my relationship tremendously.

1 Carpenter

2 The stress, the physical
3 disability of the injury exacerbated over that
4 period of time, impacted my relationship with
5 my daughter. I go to the gym to work out. I
6 couldn't work out. I couldn't go hiking. I
7 couldn't do all the things with my daughter
8 that I usually do.

9 It impacted my family, and it did
10 result in a lot of mental anguish and
11 frustration and depression, especially when all
12 you want to do is do the job.

13 Q You mentioned or testified that
14 your 207 information was leaked or told to
15 others in the department, is that right?

16 A Yes.

17 Q Who was told?

18 A Now Sergeant Quinoy, at the time
19 he was PBA, you know -- he -- during this time,
20 he became PBA president. And he said that he
21 was told that I was uncooperative and
22 wouldn't -- I refused to go see the doctor.

23 And that -- and that information
24 was false, and that was not true, and that
25 impacted the support that I got from the PBA

1 Carpenter

2 because they were lied to.

3 And there was no reason to even
4 discuss that with them on that level 'cause I
5 absolutely wasn't. I was as cooperative as I
6 possibly could be.

7 Q You wrote to Greg Addison --

8 A Yes.

9 Q -- at the PBA about your 207 case,
10 right?

11 A Right. That was before he
12 changed. And not only did I write to him but,
13 you know, as you saw, Captain Goldman said that
14 by the investigation was being -- the
15 determination's being held in abeyance because
16 until they get my medical records and IME.

17 I waited. I had scheduled the
18 surgery, the surgery date. I informed them
19 over and over again that I need my surgery.
20 And -- and then the surgery date comes and I
21 can't get the surgery.

22 And I find out from the doctor
23 they never even requested my medical records.
24 They never even requested them. So how are you
25 conducting an investigation? You gonna have me

1 Carpenter
2 out there with this bad knee (indicating),
3 okay, and you can't even -- and I find out that
4 my medical records weren't even requested,
5 okay?

6 So I went to the doctor, got the
7 medical records and met Greg Addison and hand
8 delivered them to him so that he can give them
9 to Goldman to speed up the process.

10 All I wanted to do was to come
11 back to work. But more importantly, I just
12 wanted to get my surgery. And that's what I
13 did.

14 And all of this stress, it was --
15 it was -- I couldn't believe it when they told
16 me they never even requested it. If they had
17 sent me to an IME, they would have found out.
18 And somebody physically examined me, they would
19 have found out differently. But they had some
20 radiologist that never even examined me make a
21 determination that impacts my entire life and
22 my recovery.

23 It's just -- I don't -- I don't
24 know what anybody -- what I did other than want
25 to work hard and -- and make a contribution

1 Carpenter

2 that resulted in me almost being crippled for
3 the rest of my life.

4 Q Are you crippled for the rest of
5 your life?

6 A It has an impact. I don't --
7 there's not a day that goes by -- there's a
8 fear that my legs's gonna give out. There's a
9 fear. I -- I live with that. I'm used to
10 running up and down in the projects, you know,
11 with everybody else.

12 I -- I loved to work out. I was
13 an active person. And you don't know how that
14 feels, to think for one minute one false move
15 and you can't get out of that car and run.

16 Q You were cleared to return to work
17 full duty, is that right?

18 A Yes, but the delay in the surgery
19 impacted the -- the prognosis. I wouldn't
20 treat them like that.

21 Q You indicated your emotional
22 health was been impacted?

23 A Yes.

24 Q How so?

25 A Well, I mean, after a while, not

1 Carpenter

2 knowing what to expect, coming to work every
3 day, trying to stay positive, enthusiastic.
4 And every day it was always something, you
5 know. And then I come -- then being out that
6 whole time, you know, you're isolated. You're
7 just -- you're just basically left to whatever
8 it is that they saying about you, and you just
9 waiting. And it just disrupted my entire life.

10 Q Are you or were you treating with
11 a Mark Chatkin?

12 A I'm sorry?

13 Q Were you treating with somebody?

14 A Yes.

15 Q Who are you treating with?

16 A Mr. Chatkin. I don't know why --

17 Q C-H-A-T-K-I-N?

18 A Chatkin, C-H-A-T-K-I-N.

19 Q What are you treating for?

20 A I needed to see somebody. He's a
21 therapist.

22 Q When did you start treating with
23 Mr. Chatkin?

24 A 2000 -- 2015.

25 Q What month in 2015?

1 Carpenter

2 A It might have -- it was maybe
3 July -- no, no, it might have been a little bit
4 earlier than that.

5 Q Has Mr. Chatkin diagnosed you with
6 any issues?

7 A No.

8 Q What do you mean, no?

9 A Well, I see him and -- but as far
10 as a diagnosis?

11 Q Well, I assume he is treating you
12 for some issue, right?

13 A Yes.

14 Q What issue is he treating you for?

15 A For depression.

16 Q Has he --

17 A Post-traumatic stress.

18 Q Has he prescribed you certain
19 medications?

20 A No.

21 Q I think you said three things; you
22 said depression, PTSD, or post-traumatic stress
23 disorder, and sleep?

24 A No, sleep is fine.

25 Q So depression and PTSD?

1 Carpenter

2 A Yes.

3 Q Do you know how is it that
4 Mr. Chatkin was able to diagnose you with PTSD?

5 A I don't know what you mean, you
6 say diagnose. But I continue to see him.

7 Q Right.

8 A So I don't know what you mean by
9 that. I don't understand the question.

10 MR. SMITH: Just ask him if --

11 Q Usually a medical provider --

12 A Like, if you go to -- right, you
13 know, they say you have a torn meniscus, right.

14 Q Right.

15 A We haven't --

16 Q Using that example, the
17 diagnosis --

18 A It's almost like --

19 MR. SMITH: Just wait until he
20 finishes the question.

21 Q Using your analysis, the diagnosis
22 for an orthopedic treating for your knee
23 injury, which is my diagnosis is a torn
24 meniscus?

25 A Right.

1 Carpenter

2 Q And he prescribes either therapy
3 or surgery or medications for that condition?

4 A Right.

5 Q So similarly, I am asking you
6 questions about what Mr. Chatkin is treating
7 you for. Has he made a diagnosis of your
8 mental issues or condition?

9 A He hasn't -- you would have to ask
10 him.

11 Q I did. I did. And I can't get
12 any records from him so --

13 MR. SMITH: Object to form.

14 MR. SWEENEY: It is not really a
15 question, it is a statement.

16 Q So just not to beat this to a
17 bloody pulp here, has Mr. Chatkin told you what
18 he believes that you suffer from, if anything?

19 A He -- he may have, but I've been
20 seeing him for so long that it's not like --
21 and because like you said there's no -- there's
22 no prescription, there's no medication or
23 anything like that, but I just see him weekly
24 for just a session.

25 Q So you have seen him weekly since

1 Carpenter

2 July of or whenever in 2015?

3 A Right, I think it's -- July of
4 2015, I don't think I saw him 'cause I had the
5 surgery in June. I was kind of laid up for a
6 while. So I think it was maybe May and then
7 September or something.

8 Q All right.

9 A I could find out exactly.

10 Q What do these weekly sessions
11 consist of?

12 A Consists of him, Okay, what's
13 going on. And just a lot of times, what
14 happens is, he helps me to focus. Because it
15 will just be a lot of stress and just a lot of
16 things going on.

17 Q All right.

18 A And he just pretty much -- he
19 just -- he helps me to -- to stay balanced.

20 Q Is Mr. Chatkin treating you solely
21 for issues from work or other issues in your
22 life?

23 A Well, other issues come up.

24 Q Are there [REDACTED] other stressors in
25 your life other than work?

1 Carpenter

2 A Oh, yeah, just -- yeah, just being
3 a mom is a stressor.

4 Q Anything else besides being a
5 mother?

6 A There's -- there's other things
7 that come up.

8 Q Can you be more specific?

9 A I went through a few family
10 issues, illnesses, different types of things.

11 Q Do you receive counseling for any
12 marital issues or stresses?

13 A No, but I've shared that with him.

14 Q You shared it with him?

15 A (Indicating).

16 MR. SMITH: Say yes.

17 THE WITNESS: Yes, I'm sorry.

18 Q And I don't mean to pry, Sergeant
19 Carpenter, but you are the one that's made a
20 claim alleging mental injuries, so I have to
21 ask you the questions.

22 What have you shared with him
23 vis-à-vis regarding your marital issues?

24 A That I separated -- that I --
25 the -- the challenges of trying to balance

1 Carpenter

2 having him understand different things at work
3 and -- and the challenges of dealing with the
4 change in lifestyle.

5 Q What change in lifestyle, the
6 separation?

7 A Yes, it relates to my daughter.

8 Q You mentioned also family issues
9 and illnesses. What specific --

10 A I had two -- well, I had a sister
11 pass from cancer.

12 Q I'm sorry to hear that.

13 A And then right after that, my
14 older sister, another sister who has multiple
15 sclerosis just started -- she appeared to be --
16 she also suffered breast cancer, and it just --
17 everything was happening at once. But she's
18 recovering.

19 Q Besides Mark Chatkin, have you
20 treated with any other provider, social worker,
21 a psychologist --

22 A No.

23 Q -- psychiatrist?

24 Has Mr. Chatkin recommended that
25 you see anybody else?

1 Carpenter

2 A No.

3 Q And you mentioned that you see him
4 on a weekly basis. Is that still true today?

5 A Pretty much.

6 Q Do you bill that to your major
7 medical insurance from the city?

8 A Yes.

9 Q Is there any co-pay for that?

10 A Yes, it is.

11 Q How much of a co-pay?

12 A It's \$20.

13 Q Is Mr. Chatkin in network or out
14 of network?

15 A He's in network.

16 Q I think you mentioned also,
17 Sergeant Carpenter, a financial impact?

18 A Yeah.

19 Q What financial impact has this
20 caused you?

21 A I almost lost my house. My, you
22 know -- the loss of a salary is significant for
23 any family; my mortgage, my credit rating is --
24 is horrible. I lived off of credit cards for a
25 period of time.

1 Carpenter

2 My daughter, she was used to going
3 to particular camp. Couldn't afford to send
4 her to a different camp, and that was a big
5 deal for her. It didn't give her the -- the
6 type of activities and that she was used to.

7 I -- my car broke down and I -- I
8 had to manage for a while without a car. And
9 my daughter, I had -- I did everything right; I
10 put away money for her college. She's only 11.
11 And from the time, you know, she was born, I
12 ended up using it to live off of. And then
13 that denied her things, and I still have to
14 put -- put that money back. It just -- just --
15 it just put me in a crisis.

16 Q When you first went out of work in
17 April of 2014, you would have been I think
18 exhausting sick leave accrual?

19 A Yes.

20 Q And maybe vacation accruals?

21 A Yes.

22 Q And personal leave, if you had
23 any?

24 A I had some personal leave.

25 Q There came a point when those

1 Carpenter

2 accruals ran out?

3 A The sick time ran out. I didn't
4 use the vacation time because I honestly
5 believed that I was gonna be back to work in
6 you know, no time.

7 So I didn't -- I had already
8 scheduled vacation around my daughter's school,
9 and that's when I usually take it. So I didn't
10 take advantage of the vacation time, because I
11 thought this is just gonna be a couple of
12 months, and then I'll be back to work. But
13 that didn't happen.

14 Q How much vacation time was
15 available to you that you didn't use?

16 A It was about eight days. It
17 wasn't a lot.

18 Q A little more than a week, okay,
19 week and a half.

20 How much sick time did you expend?

21 A I exhausted my sick time.

22 Q I know. How many days was that?
23 What time frame did it run out?

24 A Oh, it ran out June 1st.

25 Q Of 2014?

1 Carpenter

2 A '14.

3 Q So you were unpaid from sometime
4 in June of 2014 until you returned to work in
5 January?

6 A 2016.

7 Q 2016?

8 A Right.

9 Q You mentioned I think finally,
10 there was an effect on your family?

11 A Yeah.

12 Q What effect was that?

13 A Well, I clearly was stressed out.
14 And as time was going on, my daughter, when she
15 went -- returned back to school, she was an A
16 student. Her grades started to suffer. She
17 started to take on this thing like she had to
18 take care of me or something. It just -- and
19 she just didn't understand what was going on,
20 and our life was a lot different.

21 Q Do you need to take a few minutes?

22 MR. SMITH: We can take a break.

23 (Whereupon, at this time, a brief
24 recess was taken.)

25 MR. SWEENEY: Can you read the

1 Carpenter

2 last question back?

3 (The record is read back by the
4 reporter.)

5 Q So I was generally asking just
6 about impact on your family, and you gave that
7 response. Was there anything else you wanted
8 to add to that?

9 A No.

10 Q There is no allegation that your
11 marriage was affected by whatever you
12 experienced?

13 A My marriage was been affected by
14 it, by the job.

15 Q In what respect has your marriage
16 been affected?

17 A It's just -- we don't -- we going
18 through a divorce.

19 Q Are you attributing it to this
20 incident, these incidents or something else?

21 A It's just a lot of things.

22 Q Well, I mean, to the extent that
23 you are attributing your marital
24 difficulties --

25 A The stress and just not being able

1 Carpenter

2 to communicate.

3 Q When did you and your husband
4 first separate, physically separate?

5 A Physically separate? That was --
6 I -- 2010.

7 Q 2010?

8 A Is that right? No, that's not
9 true. We're in 2017?

10 Q Right.

11 A So 2013.

12 Q What month in 2013?

13 A I don't know.

14 Q Was it the winter, summer, fall?

15 A It was the summer.

16 Q So fair to say before any issues
17 with the city first started?

18 A Before I fell.

19 Q Any other impacts on your life or
20 any other damages that you are claiming because
21 of this?

22 A Just the quality of my life,
23 just -- just the lack of freedom to move
24 forward. Every time -- because of this, I've
25 been put into this holding pattern where

1 Carpenter
2 everything is associated with me through this.
3 And every time I try to turn the page, it seems
4 like I'm -- like -- like I did something wrong
5 and that I feel like I'm being held hostage to
6 it.

7 I'm measured against this whole
8 process where I didn't even want this to
9 happen. I repeatedly just asked for a
10 conversation, just so we can clear the air
11 about things, and then it just escalated into
12 this.

13 And so it just -- there just seem
14 to be commitments to stay stuck in a mindset
15 that just prevents me from moving forward.

16 Q You filed the first complaint with
17 the city with human resources I guess in
18 February of 2014, is that correct?

19 A Yeah, she was supposed to just
20 investigate it. And she was going -- it was
21 supposed to be confidential. And again, I
22 really just wasn't, you know -- she was
23 supposed to be like an intermediary to help
24 resolve, and she didn't. She just gave the
25 complaint over, and then everybody got pissed

1 Carpenter

2 and everything, retaliation and everything --
3 escalated.

4 Q How do you know that she, meaning
5 Judy Williams, turned it over to the police
6 department?

7 A She said that.

8 Q When did she say that?

9 A I asked her. It might even be in
10 the text messages. I kept asking her what's
11 going on with the investigation, what's going
12 on? And then finally she said, I gave it to
13 them. I gave it to Commissioner Raynor.

14 Q And that's in the text messages?

15 A I believe it is in the text
16 messages. I kept asking, what is the deadline?
17 She says --

18 MR. SMITH: Just refer to the
19 question being asked.

20 Q Looking at Defendants' Exhibit T,
21 which is the texts between January and June of
22 2014, is there a particular text in which you
23 believe Judy Williams affirms that she gave
24 your complaint to the police department?

25 A Okay, okay. On 79, on 79, I'm

1 Carpenter
2 texting her. And I said I could only answer it
3 by stating I have no recollection at this time
4 this was done, da, da, da. It says, You on the
5 other hand have turned my complaint over to
6 them for an undetermined time frame, allowing
7 them an opportunity to collude. So she gave it
8 to them. I'm just trying to --

9 Q That's you saying that, right?

10 A That's me.

11 Q Right?

12 A That's me.

13 Q Does she say that?

14 A She -- because I remember being so
15 shocked, because that's not what she told me.
16 And she's the one that insisted on writing.
17 Okay, so maybe that's my response. So I'm just
18 gonna assume maybe I spoke to her on the phone.
19 But at some point I came to -- she told me that
20 she turned the complaint over to them, and that
21 was my response.

22 Q You mentioned, I believe in
23 response to an earlier question, that a male
24 officer who was on 207-C who was given a ride
25 from work?

1 Carpenter

2 A I'm sorry?

3 Q Got a ride?

4 A Yeah.

5 Q Do you recall who that was?

6 A At the time it was Sergeant
7 Anthony Mitchell. He was promoted the same
8 time I was.

9 Q And you mentioned that event was
10 documented in the Com Stat?

11 A I remember reading it in a --
12 that's how I became aware of it.

13 Q Do you have a copy of that Com
14 Stat documentation?

15 A No, it was at -- I just remember
16 just reading it. It was at the desk, I
17 remember reading that. And I'm trying to
18 remember why 'cause I was kind of surprised to
19 why would it be there. But if I remember that
20 he was -- it was under Commissioner Bell. And
21 at the time it was Lieutenant Scott, now
22 Lieutenant Scott, who was picking him up and
23 taking him -- transporting him to various
24 doctors' appointments and -- and Lieutenant
25 Scott was in Internal Affairs.

1 Carpenter

2 Q And this is Sergeant Mitchell we
3 are talking about?

4 A Right.

5 Q Was he awarded 207-C benefits?

6 A I believe so.

7 Q And you were not awarded 207-C
8 benefits?

9 A Right.

10 Q Okay.

11 A But this was the initial, you
12 know -- this was -- this was when I was just --
13 when I had first gotten injured.

14 Q In your complaint at Paragraphs 58
15 through 59, you indicate that you were denied a
16 request for return to work at light duty?

17 A Right.

18 Q Can you tell me about that
19 allegation?

20 A Well, I needed to get paid. I was
21 waiting for a determination from the -- I had
22 just -- from the hearing, and I was able to get
23 clearance from the doctor that I could return
24 to work light duty since I had not had the
25 surgery yet.

1 Carpenter

2 So I did respond to headquarters,
3 and then I got a phone call. I gave them the
4 doctor's note, and I got a phone call saying
5 that I could not come back.

6 Q Do you know why you were told you
7 could not come back?

8 A I was told because they didn't
9 have an assignment.

10 Q An assignment or an assignment for
11 someone that was not injured in the line of
12 duty?

13 A An assignment for somebody that
14 they determined was not injured in the line of
15 duty.

16 Q Do you know of any other police
17 officer that was not injured in the line of
18 duty who was permitted to return to work at
19 light duty?

20 A Sergeant Rucci, R-U-C-C-I, he --
21 he worked light duty even though he was injured
22 off duty.

23 Q When was this that he was allowed
24 to work light duty?

25 A This was in 2016, actually. This

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Carpenter
is -- and then at the time -- I can't recall
right now.
Q What unit was Sergeant Rucci a
part of?
A Patrol.
Q And you think he returned to work
light duty in 2016?
A Yes.
Q And he was not injured in the line
of duty?
A Correct.
MR. SWEENEY: Okay, no further
questions.
(Time noted: 3:30 p.m.)

A C K N O W L E D G E M E N T

STATE OF NEW YORK)

: ss

COUNTY OF)

I, JENNIFER CARPENTER, hereby
certify that I have read the transcript of my
testimony taken under oath in my deposition of
March 27, 2017; that the transcript is a true,
complete and correct record of my testimony;
and that the answers on the record as given by
me are true and correct.

JENNIFER CARPENTER

Signed and subscribed to
before me, this ____ day
of _____, 2017.

Notary Public, State of New York

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[REDACTED] CARPENTER	
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EXAMINATION BY:

Mr. Sweeney	4
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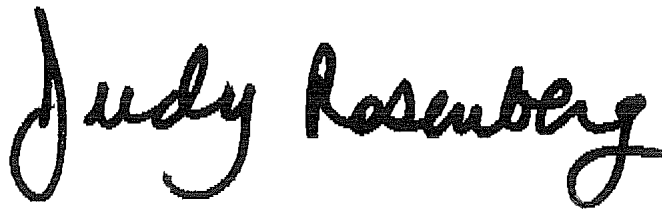
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1
2 STATE OF NEW YORK)
) ss:
3 COUNTY OF NEW YORK)

4
5
6 I, JUDY ROSENBERG, a Shorthand
7 Reporter and Notary Public within and for the
8 State of New York, do hereby certify:

9 That JENNIFER CARPENTER, the witness
10 whose examination is hereinbefore set forth,
11 was duly sworn by me and that this transcript
12 of such examination is a true record of the
13 testimony given by such witness.

14 I further certify that I am not related
15 to any of the parties to this action by blood
16 or marriage and that I am in no way interested
17 in the outcome of this matter.

18
19
20
21


22 JUDY ROSENBERG

23
24 Dated: March 30, 2017
25

1 Errata Sheet

2

3 NAME OF CASE: JENNIFER CARPENTER - against - CITY OF MOUNT VERNON

4 DATE OF DEPOSITION: 03/27/2017

5 NAME OF WITNESS: JENNIFER CARPENTER

6 Reason Codes:

7 1. To clarify the record.

8 2. To conform to the facts.

9 3. To correct transcription errors.

10 Page _____ Line _____ Reason _____

11 From _____ to _____

12 Page _____ Line _____ Reason _____

13 From _____ to _____

14 Page _____ Line _____ Reason _____

15 From _____ to _____

16 Page _____ Line _____ Reason _____

17 From _____ to _____

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